

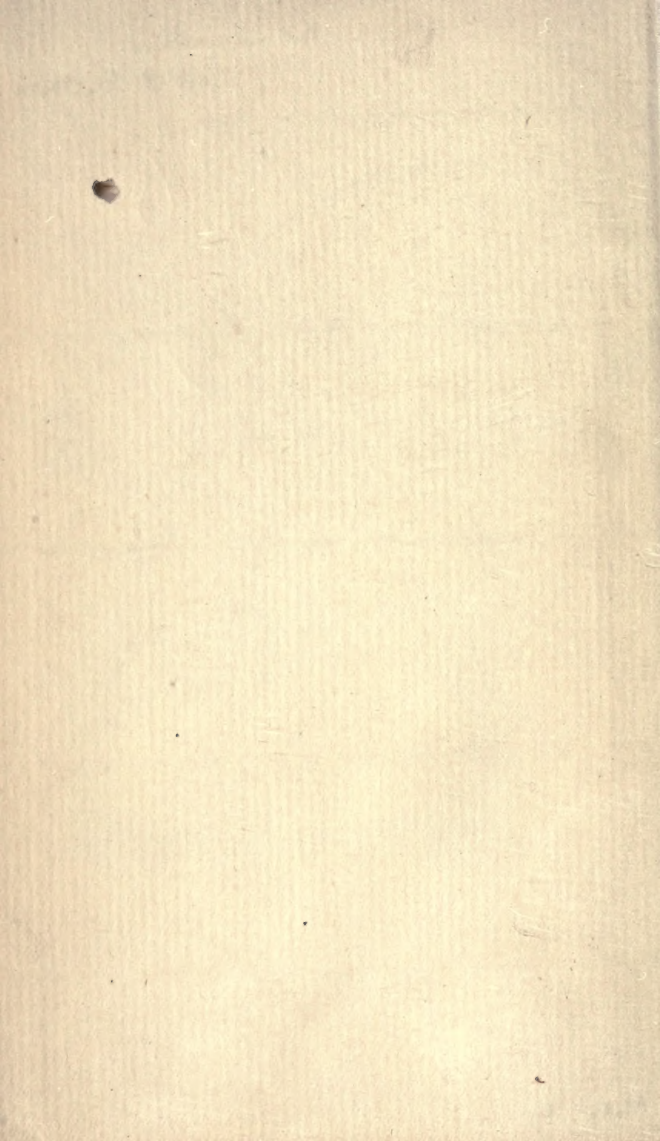
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May. 1912.








ARISTOTLE ON THE ATHENIAN  
CONSTITUTION.



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Handwritten text in a cursive script, likely from a 16th-century manuscript. The text is written on a single column and appears to be a portion of a larger document. The script is dense and flowing, with many ligatures and flourishes. The paper is aged and shows signs of wear, including discoloration and some staining.

FACSIMILE OF A PORTION OF THE ORIGINAL MS.  
NOW IN THE BRITISH MUSEUM.

(The Facsimile is taken from the top of the 10th column of the MS., containing the last words of ch. 23 and part of ch. 24.)



ARISTOTLE  
ON THE  
ATHENIAN CONSTITUTION

TRANSLATED WITH INTRODUCTION  
AND NOTES

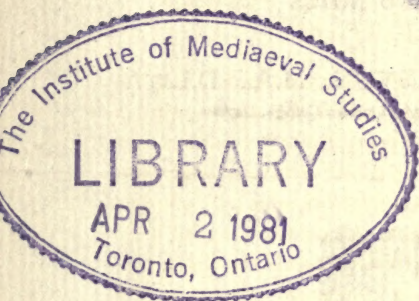
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## PREFACE TO THE SECOND EDITION.

A REPRINT of this translation being required, I have taken the opportunity of revising it, so as to bring it into accordance with the Greek text as it is now generally read, after nearly five years of active work upon it by scholars in all parts of Europe. I have taken as the basis of the revision my third edition of the Greek text (1892); but I have constantly referred to the subsequent editions of Blass (1892 and 1895) and Sandys (1893), and have in several passages adopted new readings from them. In such cases I have given the Greek text in a note. The criticism of the text has now progressed so far towards unanimity that a translation made from any of the later editions serves nearly equally well for the others, and no substantial alteration is likely to be required in the future.

In the Introduction I have altered a few statements of fact which were not in accordance with the revised Greek text, but have not attempted a fresh study of the historical bearings of Aristotle's treatise.

F. G. K.

November, 1895.



# CORRIGENDA.

Since the first four sheets of the translation were in type, some of the most doubtful passages of the papyrus have been examined by Professor Wilcken, the leading authority on papyri in Germany. As a result of his suggestions, I should now make the following alterations.

Ch. 3 (p. 4, note 3), *for διαλλάττοι read παραλλάττοι* (so Blass).

*Ib.* (p. 5, l. 4), *read* "upon those who disputed them" (*ἀμφισβητοῦντων*, Wilcken).

Ch. 5 (p. 8, note 4), Wilcken *reads* *κλινομένην* ("lying prostrate"), which is equally, or nearly equally, possible palæographically, and perhaps better in sense.

Ch. 6 (p. 10, l. 14), *for* "the laws" *read* "the rest of the people" (*ἑτέρους*, Blass, Wilcken).

Ch. 10 (p. 16, note 1), *for* ἄγουςα *read* ἔχουςα (1st ed., Wilcken).





## INTRODUCTION.

THE re-appearance of the Aristotelian treatise on the Constitution of Athens has a considerable claim to rank as the most striking event in the history of classical literature for perhaps the last three centuries. It is not that the work itself is equal in importance to many which have long been known; but, though this may be freely admitted, few would question that it possesses a high intrinsic value, and the manner of its re-appearance has, naturally enough, invested it for the moment with a special interest of its own. After the lapse of a period which some scholars had reckoned at eighteen centuries, and which none could place at less than twelve, since it was last seen by mortal eye, it was hardly to be held within the bounds of possibility that this work, well known though it was to scholars by name, should ever be recovered in an approximately complete state.

The discovery of lost works of classical antiquity has been the dream of scholars and of lovers of literature ever since the days of the Renaissance, when such discoveries were being made on every side, but it is a dream which, since those days, has been but scantily fulfilled. "The wreck of Herculanean lore," so far from restoring to us a fragment of Pindar or Simonides, has produced nothing but a number of works by an indifferent Epicurean philosopher, with a few by the master of that school himself. The monastic libraries of the East, from which have been unearthed the inestimable *Codex Sinaiticus* of the New Testament and several other valuable theological manuscripts, have given practically nothing to classical literature; and the chance of such discoveries grows less as this field is more thoroughly examined. For a time there were wide-spread hopes that many hitherto unsuspected treasures might be preserved in the shape of palimpsests, such as that in which the great work of Gaius was discovered at the beginning of the present century; but the libraries of Europe have been searched, and nothing of equal value has come to light. There have been rumours, indeed, of treasures to be found in the Sultan's library at Constantinople when the day

shall come for European eyes to examine its unexplored recesses ; but the basis of these rumours is hard to trace. One source, however, unsuspected until within this present century, has of late years shown results which may revive the hopes that had begun to fade. It is now certain that beneath the sands of Egypt, in its tombs and its buried cities, manuscripts written on papyrus have been preserved, to an extent which cannot be fairly estimated as yet. The majority of these are, no doubt, of very slight interest to the world at large, being principally collections of magical formulæ, monetary accounts, leases, wills, and other private documents. But, here and there, works of classical literature have been discovered, though always in a more or less fragmentary state. Some of them were evidently copies intended to be pleasing to the eye as well as profitable to the mind, and are written elegantly and formally upon good papyrus ; others, perhaps the majority, were rough transcripts intended for the owner's private benefit without much regard to appearance, written in hands which make no pretence to the neatness and regularity of the professional scribe, and sometimes, since papyrus was valuable, on the back of sheets of which the front had already been used for other purposes. Most

of the works thus preserved are such as we knew already. Homer, as is right, is by far the most largely represented, and always, it may be observed, by the *Iliad*, never by the *Odyssey*<sup>1</sup>; but portions of Thucydides, Euripides, Plato, Demosthenes, Isocrates, and others of the great writers of Greece have also been discovered, though for the most part only in small fragments. But there have also been occasional discoveries of works hitherto known only by name and in isolated quotations, though these have so far been of rare occurrence. The most important, until these latter days, consisted of some four speeches (not all complete) of the great Athenian orator Hyperides, the contemporary and colleague of Demosthenes; but these have fairly been thrown into the shade by the recent re-appearance of the treatise attributed to Aristotle on the constitutional history of the Athenian people.

Such a work has an interest for others besides professed scholars and historians, and perhaps for many who lack either the wish or the ability to read it in the original Greek. To these persons,

<sup>1</sup> [This is no longer the case, the British Museum having recently acquired a fine papyrus containing part of the third book of the *Odyssey*, written about the beginning of the Christian era.]



if there be such, this translation is primarily offered ; since the original has, for the most part, neither that difficulty which makes it interesting even to the best scholars to see how the problem of translation has been solved, nor that beauty of style which tempts translators again and again to the hopeless labour of love which is involved in the effort to reproduce a masterpiece of literature in another tongue. But there may be many persons with an interest in Greek history beside the scholar and the specialist to whom a translation is worse than useless. To these an English version may be of service ; and it may also be useful to prefix to that translation some brief account of the work that is here placed before them, and of the unique manuscript which has preserved its text for the benefit of this late posterity.

The latter does not need a long description. It belongs to the second of the classes of papyrus manuscripts mentioned above, those, namely, in which the matter alone has been the object, while outward beauty of form has been neglected. The neglect is, indeed, considerable in this case. The text of the Aristotle is written on the back of four rolls of papyrus, of unequal dimensions, amounting in all to some eighteen feet eight inches in

length by eleven inches in height. The front of this papyrus had already been used for the baser purpose of recording the daily accounts of a bailiff on a small Egyptian farm. The bailiff was a Greek, and his accounts are therefore in that language, and are not without some interest of their own ; but their chief value in connection with the Aristotle lies in the fact that they bear dates of the years 78-79 A.D., and therefore give us a clue to the probable date of the text which is written on the other side. It is not likely that accounts of this description would be preserved for very long for their own sake, and it is therefore reasonable to suppose that the Aristotle was copied on to the back of them by about the end of the first century ; and this opinion is supported by what little is known of the palaeography of that early period.<sup>1</sup> But not only is the treatise written on the back of old accounts, and on rolls of uneven length, but it is not even all in the same hand. No less than four different styles of writing appear in it, none of them very ornamental ; and the most ornamental is the least correct. It is written in thirty-seven columns,

<sup>1</sup> [Since this sentence was written a very large quantity of papyri of the first three centuries has come to light ; and the knowledge thus obtained absolutely confirms the date here assigned to the Aristotle MS.]

of very varying widths ; in one place a column and a half of different matter had previously been written and has been struck out ; finally the early chapters of the work seem never to have been transcribed, the last seven columns of the MS. are hopelessly mutilated, several lacunas occur elsewhere in the course of the text, and in very many places the writing has been considerably rubbed and defaced. Altogether the manuscript unquestionably owes its value to its contents, and not to the external form in which they are presented to us.

Of the nature of these contents there is, speaking broadly, no doubt. Though it bears no title nor author's name, no one has been found seriously to dispute that it is the treatise known in ancient times as Aristotle's *Constitution of Athens*. This treatise was one section, and probably the longest and most important section, of a collection known as "*The Constitutions*," in which information concerning the constitutional history of no less than a hundred and fifty-eight states was gathered together, presumably as a result of the collection of materials on which were based the general statements on political science, which Aristotle embodied in his *Politics*. The *Constitutions* is included in all the lists of

Aristotle's works which have been preserved, and sixty-eight of the one hundred and fifty-eight sections are known to us by quotations or references of greater or less length. The section on Athens was represented by some ninety such quotations, nearly all of which are either found in the treatise now before us, or else evidently belong to those parts of it which are imperfect in the MS.; but no section had survived entire, and the exact nature of the work was therefore a matter of controversy,—a controversy which will, indeed, only rage the more acutely since the discovery of one of them in a practically complete state, but which may now hope to attain to some definite and accepted conclusion.

One of the first points to which the attention of scholars and historians must be directed is the important one whether this is indeed the very work of Aristotle himself or not. Marvellous and multiform though both the knowledge and the industry of the great philosopher must have been, he cannot have written all the works which are ascribed to him in the extant lists of his writings. Some of them must have been composed, perhaps by his instructions, perhaps without any direct connection with him, by pupils and later members of the Peripatetic school.



The *Constitutions*, involving as it did researches into the histories of so large a number of communities, and reaching so far as Carthage on the one side and the Brahmins of India on the other, suggests itself at once as a work which might easily have been committed by the master to some of his disciples, just as Mr. Herbert Spencer has availed himself of the assistance of various friends in the compilation of the facts (embodied in *Descriptive Sociology*) which he used as materials for his work on *The Principles of Sociology*. In support of this *a priori* reasoning might be adduced the first impressions of several learned and unquestionably competent judges, who doubt if this treatise exhibits that compression of thought or those illuminating flashes of insight which we are accustomed to associate with Aristotle, or if the style is as abrupt and disjointed as that in which the great thinker commonly conveys or conceals his meaning. On the other hand it may fairly be urged that we have no other work of Aristotle's which belongs to the same class as this, and that almost every writer will be more lucid and straightforward in narrative than in philosophy; while the general cast of the language, the soberness and even dryness of the style, and the impartiality

of the judgments, suggest at least the influence, if not the actual pen, of Aristotle. Moreover, if any of the sections of the *Constitutions* was composed by Aristotle, it would probably be that dealing with Athens, as being at once the most important of them and the one as to which criticism would be the liveliest and the most capable. Finally we have the unanimous testimony of antiquity, which unhesitatingly assigns this extensively quoted and still more extensively consulted work to the hand of Aristotle. The whole question, however, is one which cannot be settled in a day; and if the most eminent authorities are divided in their opinions on the matter (and many, especially abroad, have expressed themselves strongly in favour of actual Aristotelian authorship), it is the more incumbent on lesser folk not to be too positive. But one consideration of the greatest importance has so far been unduly overlooked by many critics. If the treatise be not the actual work of Aristotle's own hand, there is at least the strongest reason to believe that it was composed under his direction and for his use,<sup>1</sup> and that it carried the weight

<sup>1</sup> Aristotle died in 322 B.C., and not only is it certain, from the fact that the number of the tribes is repeatedly spoken of as

of his authority in subsequent ages ; nor do we hear that its authenticity was ever questioned. If this be so, then it carries for us still a weight hardly less than if it were written in the actual words of Aristotle. Details about the obscurer and less important states might indeed escape his eye or be outside his knowledge ; but in dealing with the history of Athens he must have known what authorities his pupil made use of, and have approved of the manner in which he dealt with them. The broad statements of constitutional and general history which it contains come to us with the *imprimatur* of Aristotle, and those who have read Aristotle most know best how much that means. Whatever view we take as to the literary parentage of the work, its historical utterances have a weight which is not lightly to be put aside.

At the same time some of these statements are unquestionably startling, and it is not to be wondered at if the first instinct of many persons is to reject as impossible matter which refuses

being ten, that the work must have been written before 307 B.C., in which year they were raised to twelve, but there is also internal evidence (see ch. 46) that it was written before 325 B.C. On the other hand, there is an allusion in ch. 54 to the year 329 B.C., which shows that it must have been written, or at least added to, after that date.

so uncompromisingly to conform to the reconstructions of Greek history with which we have become familiar. Still it must be remembered that in many cases they are only reconstructions, which have served to fill the many and serious gaps in the original records on which our histories are based. What we have to do is to try to put ourselves in thought into the position which we should occupy if the treatise on the Constitution of Athens had never been lost, but had come down to us together with Herodotus and Thucydides and Xenophon. The statements made in it are not indeed to be accepted at once and without questioning ; but neither are those of any fallible mortal who ever wrote history upon earth. Still, accepted or not, they must be accounted for ; and whenever the time shall come that the new evidence can be weighed with an equal mind, it will probably be found that it ranks very high among the sources of our knowledge of Athenian history. Meanwhile, the first reflection to which its disclosures give rise is one of scepticism as to the value of conjectural restoration of historical facts. So many eminently reasonable theories and conjectures are scattered to the winds by this slight addition to the ancient testimonies, that con-

siderable caution seems to be imposed for the future alike on the propounding and the accepting of similar and equally plausible imaginations.

Meanwhile it may be of use briefly to enumerate the chief points in which this treatise (which in future will be spoken of as Aristotle's, as being at least the outcome of his inspiration and direction) tends to alter or modify the view of Athenian history which has been derived from the sources hitherto extant. It is in the earlier periods that its information is at once the most novel and the most important ; and naturally so, since it is on these periods that we have hitherto had the least trustworthy information from ancient authorities and have been left the most to the conjectures and restorations of modern writers. The treatise appears to have begun with the original settlement of Attica by the at least semi-mythical Ion, and next to have described the changes introduced into the government of the country by Theseus. But this part of the work is still lost to us, for the newly-discovered MS. is imperfect at the beginning. A portion of the papyrus has been left blank to receive the earlier chapters, but they appear never to have been transcribed, and the narrative now commences in the middle of a subject and even in



the middle of a sentence. It is only in a retrospect of the constitution as it existed before the time of Draco that any fresh light is thrown on the obscure period of the kings of Attica and the government which immediately succeeded them. The exact bearing of the new evidence cannot be settled off-hand ; but, in the first place, it seems to clear up some of the doubt which has always attached to the change that took place in the position of the kings after the death of Codrus, and, secondly, it establishes in a manner that will hardly be questioned the early importance of the Council of Areopagus. The old story ran that after the heroic death of Codrus on behalf of his country, the Athenians, out of gratitude to his memory, decreed that no one should henceforth bear the name of king. This tale has naturally been suspected of concealing a constitutional change to the disadvantage of the monarchy, and such it proves to have been. The king had previously had associated with him a commander-in-chief for purposes of war, with the title of Polemarch ; and after the death of Codrus a third magistrate was created, known as the Archon, to whom many of the prerogatives of the king were transferred. The sentence in which Aristotle describes the change (in ch. 3)

is somewhat obscure, but the natural meaning of the words seems to show that the descendants of Codrus themselves abandoned the kingship at this point, taking the Archonship instead, thus partially confirming the tradition of the abolition of the kingship after the death of Codrus. The title of king was not indeed abolished, but the king was confined chiefly to sacrificial and ceremonial duties, while the Archon became the first officer of the state. The election of the Archon was in the hands of the Council of Areopagus, though its choice was limited to the descendants of Codrus. Of the composition of the Areopagus at this period we are told nothing, but it unquestionably represented the ancient families of the land, and it appears to have exercised a general supervision of the state.

The next change that took place is one with which we have been acquainted before. At a date which is commonly fixed at the year 752 B.C. (though these early dates are possibly open to criticism) the archonship was altered from a life magistracy to a term of ten years. At first the office of Archon was still confined to the house of Codrus ; but after four members of that house had ruled on these terms, it was

thrown open to all the Eupatridae, a name which denotes the ancient families of the land. Thirty years later, in 682 B.C., according to the traditional dates, another change was made. The ten-year term was abolished ; six new magistrates were created, with the title of Thesmothetae or Lawgivers ; and these, together with the three elder officers, formed the board subsequently known as the nine Archons, which continued for two centuries to be the highest official body in the state. It was of annual creation, and from the name of the Archon *par excellence*, the titular chief of the state, the years were henceforth dated, just as they were in Rome by the consuls. Hitherto it has been believed that the change at this period was from a single magistrate to a board of nine ; but the pre-existence of a board of three is one of the new facts contained in the present treatise. The nine Archons were elected, just as their predecessors had been, by the Areopagus ; and a change was made in the composition of that body which must probably be assigned to this date. In early times its members may have been nominated by the head of the state ; but from henceforward it was recruited from those who had served as Archons, who passed into it at the end

of their year of office, a system which continued in force as long as the Areopagus existed.

Such are the conclusions to be derived from Aristotle's retrospect of the early history of the constitution of Athens. He next passes on to describe the reforms introduced by Draco. Here his information is not less novel and startling. Hitherto nothing has been known of Draco except that he was the first person to codify the criminal law of Athens, which he did on lines of great severity. But this work is almost ignored by Aristotle, who represents him in the totally new light of a constitutional reformer. The details of his constitution are such as to arouse the greatest surprise, not to say scepticism, in students of Greek history. He is stated to have given a share in the government to all persons capable of furnishing themselves with the equipment of a heavy infantry soldier; that is, a popular assembly was formed, including all persons possessing this qualification, and to it was committed the duty of electing the various magistrates. Several of these magistrates are mentioned, some of whom were not previously known to have existed at so early a date; and it is stated that property qualifications of various amounts were required for the holders of these

offices. A new Council was created, consisting of 401 members ; and for the election to this and to certain other posts the principle of the lot was introduced, apparently for the first time. It must be noted, however, that the Areopagus still continued to be the guardian of the laws and the chief power in the state, and it may be suspected that the change in the constitution was more apparent than real.

The reforms of Draco were the outcome of a long conflict between the rich and the poor,—“the classes” and “the masses,” if a modern political phrase may be allowed,—arising from the miserable condition of the poor labourers and agriculturists, who, though once independent yeomen, had sunk by the pressure of debt into the position of serfs attached to the soil and working for the benefit of their creditors. Their economical condition was not, however, touched by the measures of Draco, and the discontent and the state of almost civil war which resulted therefrom continued unabated, until, nearly thirty years after the probable date of Draco, both parties agreed to entrust Solon with full powers to deal with all matters, economical and political alike. With the account of the reforms of Solon we reach a period as to which we have a much



larger amount of previous knowledge, but here too something new is to be derived from the present treatise. Solon has always been a striking figure in the traditional history of Athens ; he is not less striking in the work of Aristotle. His character as a statesman, as a poet (for Aristotle quotes extensively from his verses), and as a man of inflexible honesty and high principle stands unimpaired ; it is only the details of his legislation that are altered or made more clear. The new treatise confirms the view of those who regarded his celebrated measure for the relief of the economic situation as having consisted in a complete cancelling of all existing debts. His reform of the currency is represented as unconnected with the measure just mentioned, and it appears to have had a purely commercial purpose. On the political side, Solon has hitherto been credited with the invention of the division of the people into four classes according to the value of their property ; it now appears that that division existed before his time, but that he adopted it as a basis for the political scheme of the state, by assigning the various mag.stracies to the several grades of this scale. The most important feature of Solon's legislation, however, remains unchanged, namely the

introduction of the lowest classes into political life. Henceforward every adult male of Athenian birth had a share in the government of his country. It is true that at first that share was limited to a seat in the popular Assembly and eligibility to serve on the juries in the law-courts. But these privileges were sufficient, in course of time, to secure to the democracy the full control of the state; for the Assembly directed the policy of the nation, and the juries (large bodies of several hundred members, combining in themselves the functions of judge and jury) reviewed the conduct of every magistrate at the end of his term of office. Solon was therefore justly regarded in later days as the founder of the Athenian democracy.

To the character and ability of Solon, as well as to the importance of his reforms, Aristotle bears emphatic testimony; but he also brings out, not less clearly, a fact which has hardly been realized hitherto, namely that these measures had at the time only a very limited success in their primary object, the restoration of peace to the distracted community. For four years there was, indeed, comparative quiet; but after this short respite the conflict of factions began again with unabated vigour, and twice within

five years it was found impossible to elect a chief magistrate of the state at all. Solon's reforms had been sweeping enough to exasperate the moneyed and landed classes, while on the other hand they had not gone far enough to satisfy the cupidity of the lower orders. This condition of chronic civil disorder was one through which most Greek states passed, and which led in most of them to the same result. It is a result with which we are familiar on a larger scale in modern history, in which it has more than once happened that a period of revolution has only been brought to a close by the establishment of a despotism. So it has been in England and in France, and so it was in Athens and in many another Greek state. One episode of this period has been preserved to us by Aristotle alone and was first revealed to the modern world nine or ten years ago, when two little scraps of this same treatise were discovered on some fragments of papyrus in Berlin. About twelve years after the reforms of Solon (the exact date is a matter of dispute) one Damasias was elected Archon in the ordinary course of things. By some means of which we know nothing he contrived to remain in office during a second year; and even after the ex-

piration of this he attempted to repeat the same manœuvre, and succeeded in retaining his post for two additional months. His object was, however, by this time sufficiently clear. He hoped to establish himself gradually as despot or "tyrant" of Athens; but he had no armed force on whose support he could rely when his unconstitutional aim was discovered. Accordingly he was expelled from his position without much difficulty, and a mixed board of ten Archons, containing representatives of all classes in the community, ruled for the remainder of the year; after which it is to be presumed that the constitution of Solon was restored.

The attempt of Damasias was, however, only a foretaste of the fate to come; and the manner of its coming is known to all. On the time of Pisistratus Aristotle throws little new light. The narrative of his alternate periods of government and exile is much the same as that which we have known already, and indeed is largely taken from Herodotus. The chief additions consist of some chronological details, though it may be questioned whether these do not raise as many difficulties as they lay. It should be noticed, however, that Aristotle expressly confirms the view that the administration of Pisistratus was

mild and considerate, and the main principle of his policy was to keep the people occupied and contented. In this attempt he was successful, and he was able to hand down his government to his sons without difficulty and without question. The rule of Hippias and Hipparchus was uneventful and is passed over briefly, as being a mere continuation of that of their father, until the sudden and unexpected catastrophe of the assassination of the younger brother by Harmodius and Aristogeiton. The narrative of Aristotle is chiefly remarkable here for one express correction of the account given by Thucydides (who is not, however, mentioned by name), and for several departures from it in other points. The rest of the story of the expulsion of the Pisistratidae is evidently taken from Herodotus, and there is no occasion to repeat its details here.

The fall of the house of Pisistratus brought about the restoration of the democracy, and in the hands of its new leader, Cleisthenes, that democracy assumed a new form. Once back again on the ground of constitutional alterations, the record of Aristotle again becomes novel and important, at any rate to the students of Athenian constitutional history. The main reform of



Cleisthenes consisted in the abolition of the four ancient tribes, and the division of the citizen-body (which was considerably increased in numbers by additions from outside) into ten new ones. Collaterally with this innovation he made the "deme," or parish, the unit of the national organization. Demes apparently had existed before ; but the arrangement of them was now altered, and they were for the first time made an integral portion of the political system, taking the place which had formerly been occupied by the bodies known as Naucraries. Aristotle does something to clear up a point which has hitherto been somewhat obscure. It has been recognized that a characteristic feature of this re-organization of Cleisthenes consisted in the sub-division of the tribes into separate geographical sections. Aristotle explains how this was done. Attica included three districts of distinct physical characters, the Lowland, the Coast, and the Highlands, and these had formed the basis of the political parties whose strife had so long distracted the state. Cleisthenes divided each of these districts into ten parts, and he gave one part from each to each of his ten tribes. Each tribe consequently included within itself representatives of each of the three rival districts,

and controversy on the ancient lines became for the future impossible.

So far Aristotle only confirms and amplifies the received view of the work of Cleisthenes ; but in certain other respects he departs from it widely. One great innovation which has often been ascribed to Cleisthenes with some confidence is the introduction of the system of the lot as the method of conducting elections to political offices. Aristotle makes it clear that it was not so, at any rate in the case of the higher magistrates. When the democracy was firmly established the lot might safely be instituted as a truly levelling measure, which gave the poor and obscure man an equal chance with the rich and powerful ; but when a despotism had but recently been overthrown, and party passions ran high, it would have been the enemies of the democracy who would have gained by the use of the lot. At such a time the people, if left free to choose, would be sure to elect leaders after their own heart, and it was necessary to secure the state against an accidental intrusion from some of the friends of the tyrants. Therefore, so far from establishing the method of the lot, Cleisthenes rejected even the modified form of it which had been in existence at an earlier time.

Solon had enacted that, for the election of the nine Archons, each of the four tribes then existing should nominate ten candidates, and that then the lot should select the required nine from this body of forty. Cleisthenes, on the other hand, appears to have given the popular Assembly, or Ecclesia, the direct election of the Archons, and it was not till some twenty years later that the lot was once more called into existence.

Another institution which is closely connected with the name of Cleisthenes is that of Ostracism ; and here Aristotle supports the existing tradition, but adds details as to the earliest occasions of its use. It was originally intended, of course, as a safeguard against powerful individuals, such as Pisistratus had been, who, without having made themselves in any way amenable to the ordinary laws, might yet be regarded as dangerous to the state. For over twenty years, however, this weapon remained in its scabbard ; and the reason which Aristotle assigns is noteworthy. He ascribes it to "the usual leniency of the democracy" ; and this testimony is the more remarkable since Aristotle, as appears later, was far from being an unqualified admirer of popular government. It was not till after the first Persian invasion had

shown that there was still danger to be feared from the partisans of the exiled tyrants, that the law of ostracism was put in force against the most prominent men of that faction ; though when the democracy had once tasted blood, it was not unwilling to seek for fresh victims in other quarters.

The period between the reforms of Cleisthenes and the Persian wars is comparatively uneventful, and Aristotle passes over it very briefly, telling us merely that Athens grew with the growing democracy. With the victory of Marathon a fresh stimulus was given to political life, and Aristotle gives us the main outline of the progress which followed. First there came the earliest application of the law of ostracism, already alluded to, by which Hipparchus, the son of Charmus, the leading representative of the friends of the tyrants, was sent into banishment. Then, since the democracy now felt itself firmer in its seat, the Solonian method of electing Archons was restored, though, as there were now ten tribes instead of four, the total number of candidates among whom the final lot was cast was one hundred. Next came an event which, though not apparently of political bearing, was in its results one of the greatest

importance to Athens. Silver mines were discovered in Attica, and, through the shrewdness and foresight of Themistocles, the profit which the state derived from them was devoted, not to a mere distribution among the citizens, but to ship-building, and the hundred triremes thus obtained were the nucleus of the fleet with which, three years later, Athens fought and won the decisive battle of Salamis.

When the danger from Persia was over, Athens entered on a course of political development, on the details of which Aristotle throws much new light. Whatever view may be taken of the authorship of this treatise, the precise dates with which it abounds remain a factor which all future historians of Greece must take into account. For the period now under consideration we have hitherto had the brief, though invaluable, outline contained in the first book of Thucydides, and the interesting, but inexact, narratives given by Plutarch in his *Lives*. Hence there was certainly room for a record which should enable us to affix precise dates to known events, and to substantiate as facts what were previously conjectures. As an instance of the first, we have the alliance between Athens and the maritime states of the



Ægean and Asia Minor, known as the Confederation of Delos, which is here assigned to 478 B.C., instead of 476 B.C. as has been usually supposed. An instance of the second is the account which Aristotle gives of the revival of the power of the Areopagus, owing to the prestige which it acquired by its spirited conduct at the crisis of the struggle with Persia. Aristotle, in passing, gives a brief commendation to its administration, which deserves to be noted ; but ultimately this renewed vitality of a body, all the traditions of which were aristocratic and exclusive, necessitated the struggle in which the popular Assembly, led by Ephialtes, struck down the obstacle which prevented the fuller expansion of the democracy. Here again Aristotle provides us with new material of a striking kind. Not only does he fix the date of the downfall of the Areopagus (462 B.C.), which was not hitherto precisely known, but he gives a new and somewhat startling story of the way in which it was accomplished. The appearance of Themistocles in Athens at this time, and as taking an important part in this controversy, is indeed surprising ; and though the story, the details of which will be found in the text, is undeniably characteristic of that

clever but unprincipled politician, it will certainly be scrutinized with the utmost jealousy by historians, even by those who do not go on the principle that whatever is new is probably not true.

Additional details as to the extension of the range of eligibility to the archonship, though valuable as showing the error of the belief that the office was thrown open to all classes shortly after the Persian wars, may be passed over here; and with the middle of the century we reach the period of the supremacy of Pericles. Here the narrative of Aristotle is at least as remarkable for what it does not say as for what it does. It is clear that Pericles does not represent to Aristotle so great a figure as he does to Thucydides. Aristotle does, indeed, recognize the loftiness of his character and his freedom from sordid motives; but it is clear that he considers the methods of his statesmanship as disastrous, from their opening the door to abuses which baser imitators were prompt to introduce after his death. It was he, according to Aristotle, who first introduced the practice of bribing the people with their own money, by establishing pay for service on the juries in the law-courts. Further, it was he who led the

people to dwell on thoughts of a great maritime empire, raising in them expectations which Aristotle apparently thinks were beyond their reach. On both points it may be held that the policy of Pericles admits of defence, and Aristotle fully concedes that during his lifetime no evil effects resulted from it. It was only after his strong hand and commanding character had been removed that these effects were visible. Pericles had taught the popular Assembly to regard itself as master, and he had taught aspiring politicians how to win its favour.

Aristotle's opinion of the "demagogues," Cleon, Cleophon, and the rest, will be found in the text; and it need only be observed here that the fact that this opinion is strongly adverse to them cannot be held to destroy the claim of this treatise to impartiality. Sobriety of judgment is not inconsistent with definiteness of opinion; and if Aristotle, in the light of a century of subsequent history, passed a severe condemnation on the popular leaders who succeeded Pericles, who is there who, looking at that same history, will venture to say him nay? But that is a question which cannot now be argued; all that is required in this summary of the contents of this treatise, is to note that this

judgment is expressed clearly, if not at great length. On the rest of the historical portion of Aristotle's work it will not be necessary to dwell long. The full development of the democracy through all its successive stages is completed with the ascendancy of Pericles, and it only remains to record the vicissitudes which befell it in the last eleven years of the century. Twice was the democracy overthrown, and twice restored. Aristotle tells in considerable detail the story both of the Four Hundred and of the Thirty, and there is no occasion to paraphrase his narrative here. It is only to be observed that in-reference to the former his account of the constitution set up by the oligarchs (which is described at great length) differs in several points from the shorter version of Thucydides; and that his narrative of the period of the Thirty is frequently irreconcilable with Xenophon. To describe all the points involved would be wearisome, and for the most part they interest only the professed historian; neither is it possible, without a more prolonged consideration of the evidence, to determine how far the new treatise is to be accepted as the final guide in these matters.

With the expulsion of the Thirty Tyrants and

the restoration of the democracy, in the year 403 B.C., Aristotle closes his review of the historical development of the Athenian constitution. He had traced it from its earliest beginnings under a monarchy to the final establishment of a complete and unfettered democracy ; and he sums it up in a table of eleven stages through which it had passed (ch. 41). The three-quarters of a century which separated his own time from the events just recorded seem to have offered to him nothing of interest from the point of view of constitutional history. The democracy was established to the fullest extent, and there was no room for further development of it. All that could be done was to set forth the nature of that democracy in its matured working. It would have been exceedingly interesting if Aristotle had elected to illustrate this by concrete instances of the treatment of great questions by the sovereign Assembly, and to show how the good and bad features of democratic government were brought out in actual practice. But it can easily be understood that there might be many reasons to deter him from such a study of contemporary history ; and accordingly his representation of the completed democracy takes the form of a statement of the machinery

of government as it existed in his own day. This forms the second part of the treatise (ch. 42—end), and in the course of it he describes the method of enrolling citizens, the manner of conducting business in the Council and the Assembly, the duties of the Council and the magistrates who act in concert with it, the numbers and duties of the magistrates in general (with an especially detailed account of the functions of the Archons), the payment which the magistrates received, and finally the procedure of the law-courts. The last section, which was also the longest, is unfortunately mutilated in such a way as to make the decipherment of much of the text hopeless; but in the rest of this part of the treatise we have an invaluable hoard of information for all who are interested in the minuter details of Athenian life and government. Much of it has, it is true, been known before; for the compilers of lexicons and the writers of commentaries in the early centuries of our era made free use of so precise and excellent an authority. Still many fresh details are brought to light, many conjectures confirmed and not a few refuted, and throughout the authority of a contemporary author is substituted for the unequal and



uncertain value of the compilations in which the information was hitherto embedded. No doubt the contents of this portion of the treatise are mainly of interest to the professed student and historian ; but still there they are, and whoever may desire to read them has the satisfaction of knowing that he is dealing with a first-hand authority.

This sketch of the leading features of the *Constitution of Athens* has necessarily been very incomplete. It is impossible to explain briefly the precise bearing of each of its statements on the history as we have hitherto known it ; but it may have been possible to show something of the nature of the work, and of the directions in which it may be expected to modify the received tradition. The main outlines, no doubt, remain the same ; and indeed it would not have inspired confidence in the new treatise if it had been found to contradict materially authorities so good as Herodotus and Thucydides. It is rather in supplementing them where they are deficient, and in giving precision where they are obscure, that the value of the new material is greatest. What precisely that value is it is impossible to say at present. Certainly it must be looked for

in the matter, not in the manner. There is no attempt at an attractive literary style in the original, and the reader cannot expect to find more in the translation. The style is sober, plain, straightforward, sometimes flat and dry. But the matter is plentiful and close-packed, and touches at every point on things of the greatest interest to the historian. It may be that this generation, which has been brought up on histories uninfluenced by the evidence of Aristotle, is not in a position to weigh it accurately and fairly, without predispositions either for it or against it, simply because it is new. It may be that only a later age will be able to make full and proper use of the material which this age has been fortunate enough to discover ; but no superiority in dispassionateness and judgment which future generations may possess can outweigh the pleasure and the excitement of having been present at such a resurrection of the dead ; of having had the privilege to read as new a work written more than two thousand years ago, and which for some twelve or thirteen hundred years no mortal eye had seen ; and of knowing that this may be only the forerunner of many such discoveries, which may give back to us yet other masterpieces of the

literature of that marvellous race to which the modern world owes the greater part of its culture and of its artistic inspiration.

The duty of a translator of such a work as this is comparatively simple. Where there is little or no literary style in the original, any attempt at such a style would be out of place in a translation. The manner of the writer is not so involved or idiomatic as to justify or require any considerable departure from the structure of the original. The most that can be aimed at is faithfulness to the meaning of the text with such amount of precision and directness of expression as that text may seem to contain; and it may be hoped that in all material points the sense of the original has been truly represented.

A translation of such a work is not offered to scholars and specialists, who have no need to look beyond the original. At the same time, as this translation may possibly be consulted by some who use the Greek text, all departures from the printed text which involve any alteration of meaning have been mentioned in foot-notes. But for the most part a translation is necessarily meant for those who have not access to the original, and therefore the majority of

the notes which have been added are intended to make the obscurer passages and allusions clear to those who do not use any annotated edition of the Greek.

There remains only the pleasant duty of returning thanks to those who have given their assistance to this work. This is, perhaps, hardly the place to refer to the many kind and friendly criticisms which have been received, both from home and from abroad, with reference to the published edition of the Greek text ; but full use has been made of these criticisms, so far as they assisted the very necessary work of reforming the text to be translated, or were otherwise available for the present purpose. But especially I wish to thank most sincerely my friends Mr. F. Haverfield, assistant-master of Lancing College, and Mr. A. H. Cruickshank, Fellow of New College, Oxford, and assistant-master of Harrow School, for their kindness in revising the proofs of the translation, and for the many improvements which they have suggested. Finally, the translation has profited greatly by the advice and criticisms of a sister, to whom, in other respects also, I owe more than a mere acknowledgment can repay.

*April, 1891.*



# ARISTOTLE

## ON THE

### ATHENIAN CONSTITUTION.

#### I.

. . . . [They<sup>1</sup> were tried] by a court empanelled from among the noble families, and sworn upon the sacrifices. The part of accuser was taken

<sup>1</sup> The narrative opens with the trial of the Alcmeonidae for sacrilege. Cylon, a young noble, had attempted to seize despotic power by force; but his attempt failed, and his adherents fled to sanctuary, which they were only induced to leave under a safe conduct. This was violated by the archon Megacles, one of the great house of the Alcmeonidae, who caused them all to be put to death; a sacrilege which was supposed to be the cause of the misfortunes which subsequently befell Athens, until the Alcmeonidae submitted themselves to trial. The date of Cylon's attempt to set himself up as tyrant has hitherto been doubtful, but it is clear from this treatise that it occurred before the time of Draco; and, as Cylon was an Olympic victor in 640 B.C., and was apparently still a young man at the time of his attempt, the latter (which took place in an Olympic year) may be assigned to 632 B.C. The expulsion of the Alcmeonidae did not take place till many years afterwards; and the visit of Epimenides, to purify the city from the pollution which still seemed to bring ill-fortune on it, probably took place about 596 B.C., shortly

by Myron. They were found guilty of the sacrilege, and their bodies were cast out of their graves and their race banished for evermore. Moreover, in addition to this,<sup>1</sup> Epimenides the Cretan performed a purification of the city.

2. After this event there was contention for a long time between the upper classes and the populace. Not only was the constitution at this time oligarchical in every respect, but the poorer classes, men, women, and children, were the serfs of the rich. They were known as *Pelātae*<sup>2</sup> and also as *Hectēmōri*,<sup>3</sup> because they cultivated the lands of the rich at the rent of a sixth part of the produce. The whole country was in the hands of a few persons, and if the tenants failed to pay their rent they were liable to be haled into slavery, and their children with them. All loans were secured upon the debtor's person,<sup>4</sup> a custom which prevailed until the time of Solon, who was the first to appear as a leader of the people. But the hardest and

before the legislation of Solon. Aristotle is here carrying down the story of Cylon's attempt to its conclusion, and he subsequently goes back to the reforms of Draco, which, chronologically, intervene between the conspiracy of Cylon and the expulsion of the Alcmeonidae.

<sup>1</sup> Or, "Upon this"; the chronological relation of the visit of Epimenides to the expulsion of the Alcmeonidae is uncertain.

<sup>2</sup> This word is used by Plutarch to represent the Roman "client," but the position of the Greek *pelates* seems to have been one of more marked inferiority than that of the Roman client, and to correspond to the serf in early English history.

<sup>3</sup> *i.e.* those who paid a sixth portion.

<sup>4</sup> Reading *καὶ οἱ δανεισμοὶ πᾶσιν*, with Blass.



bitterest part of the constitution in the eyes of the masses was their state of serfdom. At the same time they were discontented with every other feature of their lot ; for, to speak generally, they had no part nor share in anything.

3. Now the ancient constitution, as it existed before the time of Draco, was organized as follows. The magistrates were elected according to qualifications of birth and wealth. At first they governed for life, but subsequently for terms of ten years.<sup>1</sup> The first magistrates, both in date and in importance, were the King, the Polemarch [=commander in war], and the Archon. The earliest of these offices was that of the King, which existed from ancestral antiquity.<sup>2</sup> To this was added, secondly, the office of Polemarch, on account of some of the kings proving

<sup>1</sup> The absolute monarchy appears to have ended with Codrus, whose traditional date is about 1066 B.C. With the accession of his son, Medon, a change was evidently made in the nature of the kingly power, which is described in the following sentences. The office of Polemarch was already in existence ; but at this date the third office, that of Archon [=ruler] was created, and, according to Aristotle, the descendants of Codrus agreed to surrender the kingship, taking in exchange the Archonship, to which the more important functions of the king had been transferred. This agrees with the tradition that the kingship was abolished after the death of Codrus, though in fact it did not absolutely cease to exist, but was reduced to the second rank, retaining little except sacrificial functions. In 752 B.C., the term of the Archon was limited to ten years, the election being still confined to members of the royal house. After four Archons had ruled on these conditions, the office was thrown open to all the Eupatridae, or nobles ; and in 682 B.C. the board of nine annual archons was substituted for the decennial archon.

<sup>2</sup> The reading of the MS. appears to be αὐτῇ γὰρ ἦν πάτριος.

feeble in war; for which reason Ion<sup>1</sup> was invited to accept the post on an occasion of pressing need. The last of the three offices was that of the Archon, which most authorities state to have come into existence in the time of Medon. Others assign it to the time of Acastus,<sup>2</sup> and adduce as proof the fact that the nine Archons swear to execute their oaths "as in the days of Acastus," which seems to suggest that it was in his reign that the descendants of Codrus retired from the kingship in return for the prerogatives conferred upon the Archon. Whichever way it be, the difference in date is small;<sup>3</sup> but that it was the last of these magistracies to be created is shown by the fact that the Archon has no part in the ancestral sacrifices, as the King and the Polemarch have, but only in those of later origin.<sup>4</sup> So it is only at a comparatively late date that the office of Archon has become of great importance, by successive accretions of power. The Thesmothętae<sup>5</sup> were appointed many years afterwards, when these offices had already become annual; and the object of their creation was that they might publicly record

<sup>1</sup> Ion was said to have come to the assistance of his grandfather Erechtheus, when the latter was engaged in war with Eumolpus of Eleusis, and to have been made Polemarch, or commander-in-chief, of the Athenians.

<sup>2</sup> The successor of Medon.

<sup>3</sup> Reading μικρόν ἢν παραλλάττοι τοῖς χρόνοις.

<sup>4</sup> The passage is mutilated in the MS., and the supplement is partly due to Mr. Wyse.

<sup>5</sup> The six junior archons.

all legal decisions, and act as guardians of them with a view to executing judgment upon transgressors of the law. Accordingly their office, alone of those which have been mentioned, was never of more than annual duration.

So far, then, do these magistrates precede all others in point of date. At that time the nine Archons did not all live together. The King occupied the building now known as the Bucolium, near the Prytanēum, as may be seen from the fact that even to the present day the marriage of the King's wife to Dionysus <sup>1</sup> takes place there. The Archon lived in the Prytaneum, the Polemarch in the Epilycēum. The latter building was formerly called the Polemarchēum, but after Epilycus, during his term of office as Polemarch, had rebuilt it and fitted it up, it was called the Epilyceum. The Thesmothetae occupied the Thesmothetēum. In the time of Solon, however, they all came together into the Thesmotheteum. They had power to decide cases finally on their own authority, not, as now, merely to hold a preliminary hearing. Such, then, was the arrangement of the magistracies. The Council of Areopagus had as its constitutionally assigned duty the protection of the laws; but in point of fact it administered the greater and most important part of the government of the state, and inflicted personal punishments and

<sup>1</sup> The wife of the king-archon every year went through the ceremony of marriage to the god Dionysus, at the feast of the Anthesteria.

finer summarily upon all who misbehaved themselves. This was the natural consequence of the facts that the Archons were elected under qualifications of birth and wealth, and that the Areopagus was composed of those who had served as Archons; for which latter reason the membership of the Areopagus is the only office which has continued to be a life-magistracy to the present day.

4. Such was, in outline, the first constitution, but not very long after the events above recorded, in the archonship of Aristaichmus,<sup>1</sup> Draco drew up his legislation. The organization he established had the following form. The franchise was given to all who could furnish themselves with a military equipment. The nine Archons and the Treasurers were elected by this body from persons possessing an unencumbered property of not less than ten minas, the less important officials from those who could furnish themselves with a military equipment, and the generals [Stratēgi] and commanders of the cavalry [Hipparchi] from those who could show an unencumbered property of not less than a hundred minas, and had children born in lawful wedlock over ten years of age. These officers were required to hold to bail the Prytānes,<sup>2</sup> the Strategi, and the Hipparchi of

<sup>1</sup> The name of this archon is not otherwise known, but the traditional date of Draco is 621 B.C.

<sup>2</sup> The Prytanes were the presidents of the Council and Assembly in later days; see ch. 43. They have not hitherto been

the preceding year until their accounts had been audited, taking four securities of the same class as that to which the Strategi and the Hipparchi belonged. There was also to be a Council, consisting of four hundred and one members, elected by lot from among those who possessed the franchise. Both for this and for the other magistracies<sup>1</sup> the lot was cast among those who were over thirty years of age; and no one might hold office twice until everyone else had had his turn, after which they were to cast the lot afresh. If any member of the Council failed to attend when there was a sitting of the Council or of the Assembly, he paid a fine, to the amount of three drachmas, if he was a Pentacosiomedimnus,<sup>2</sup> two if he was a Knight, and one if he was a Zeugites. The Council of Areopagus was guardian of the laws, and kept watch over the magistrates to see that they

known to have existed so early as Draco, and there is some reason to believe, as Dr. Sandys has shown, that the title was in early days a synonym for that of Archon.

<sup>1</sup> *i.e.* the other magistracies to which election was made by lot. It does not mean that all the magistrates were at this time elected by lot, which certainly was not the case. This is the first appearance of the principle of the lot in Athenian politics, and, if the record is correct, it is certainly surprisingly early for it to have been adopted; but, as Dr. H. Jackson has pointed out, the conclusion of this sentence shows that the idea upon which it rested was that every person holding the franchise was qualified for office and was expected to hold it in turn, and the lot simply determined in what order they should serve.

<sup>2</sup> The meanings of these terms are explained in ch. 7. It has not hitherto been known that this division into classes according to property existed before the time of Solon.

executed their offices in accordance with the laws. Any person who felt himself wronged might lay an information before the Council of Areopagus, on declaring what law was broken by the wrong done to him. But, as has been said before, loans were secured upon the persons of the debtors,<sup>1</sup> and the land was in the hands of a few.

5. Now seeing that such was the organization of the constitution, and that the many were in slavery to the few, the people rose against the upper class. The strife was keen, and for a long time the two parties were face to face with one another, till at last,<sup>2</sup> by common consent, they appointed Solon to be mediator and Archon, and committed the whole constitution to his hands. The immediate occasion of his appointment was his poem, which begins with the words,—

I see, and within my heart deep sadness has claimed its place,  
As I look on the oldest home of the ancient Ionian race  
Slain by the sword.<sup>3</sup>

In this poem<sup>4</sup> he fights and disputes on behalf of each party in turn against the other, and finally he advises them to come to terms

<sup>1</sup> Reading ἦσαν οἱ δανεισμοί, with Blass.

<sup>2</sup> The traditional date for Solon's legislation is 594 B.C.

<sup>3</sup> A passage of considerable length, which evidently comes from the same poem, is quoted by Demosthenes (*de Fals. Leg.* ch. 255), but this beginning of it has not hitherto been known, nor yet the four lines quoted just below.

<sup>4</sup> Reading, with Blass, καινομένην (as last word of the quotation) ἐν ᾗ.



and put an end to the quarrel existing between them. By birth and reputation Solon was one of the foremost men of the day, but in wealth and position he was of the middle class, as is generally agreed, and is, indeed, established by his own evidence in these poems, where he exhorts the wealthy not to be grasping.

But ye who have store of good, who are sated and overflow,  
Restrain your swelling soul, and still it and keep it low :  
Let the heart that is great within you be trained a lowlier way ;  
Ye shall not have all at your will, and we will not for ever obey.

Indeed, he constantly ascribes the origin of the conflict to the rich ; and accordingly at the beginning of the poem he says that he fears "the love of wealth and an overweening mind," evidently meaning that it was through these that the quarrel arose.

6. As soon as he was at the head of affairs, Solon liberated the people once and for all, by prohibiting all loans on the security of the debtor's person : and at the same time he made laws by which he cancelled all debts, public and private. This measure is commonly called the *Seisachtheia* [=removal of burdens], since thereby the people had their loads removed from them. In connection with it some persons try to traduce the character of Solon. It so happened that, when he was about to enact the *Seisachtheia*, he announced his intention to some members of the upper class, whereupon, as the partisans of the popular party say, his friends

stole a march on him ; while those who wish to attack his character maintain that he too had a share in the fraud himself. For these persons borrowed money and bought up a large amount of land, and so, when, a short time afterwards, all debts were cancelled, they became wealthy ; and this, they say, was the origin of the families which were afterwards looked on as possessing wealth from primeval times. However, the story of the popular party is by far the most probable. A man like Solon, who was so moderate and just in all his other actions, that although he might have put the laws beneath his feet and have established himself as tyrant, he preferred instead to incur the hostility of both parties by placing his honour and the general welfare above his personal aggrandisement, is not likely to have consented to defile his hands by such a petty and unworthy transaction. That he had this absolute power is, in the first place, indicated by the desperate condition of the country ; moreover, he mentions it himself repeatedly in his poems, and it is admitted by all. We are therefore bound to consider this accusation to be false.

7. Next Solon drew up a constitution and enacted new laws ; and the statutes of Draco ceased to be used with the exception of those relating to murder. The laws were inscribed on the pillars,<sup>1</sup> and set up in the King's Porch,

<sup>1</sup> *i.e.* the well-known pillars, which were formed by joining together four rectangular tablets made of wood.

and all swore to obey them; and the nine Archons made oath upon the stone,<sup>1</sup> declaring that they would dedicate a golden statue if they should transgress any of them. This is the origin of the oath to that effect which they take to the present day. Solon ratified his laws for a hundred years; and the following was the fashion in which he organized the constitution. He divided the population according to property<sup>2</sup> into four classes, just as it had been divided before,<sup>3</sup> namely, Pentacosiomedimni, Knights, Zeugitæ, and Thetes.<sup>4</sup> The various magistracies, namely, the nine Archons, the Treasurers, the Commissioners for Public Contracts [Polêtæ], the Eleven,<sup>5</sup> and the Exchequer Clerks [Colacrêtæ],<sup>6</sup> he assigned to the Pentacosio-

<sup>1</sup> See ch. 55, near the end.

<sup>2</sup> Reading *τιμήματα*, which is probably the word in the MS.

<sup>3</sup> This division has hitherto been universally ascribed to Solon. What he actually did was apparently to take this property qualification, which hitherto had no direct connection with the political organization, and make it the basis of the constitution, substituting a qualification of wealth for the qualification of birth.

<sup>4</sup> The name Pentacosiomedimnus means one who possesses 500 measures, as explained in the text below; that of Knight, or Horseman, implies ability to keep a horse; that of Zeugites, ability to keep a yoke of oxen; while the Thetes were originally serfs attached to the soil.

<sup>5</sup> The superintendents of the state prison; see ch. 52.

<sup>6</sup> These officers, whose original function was said to have been to "collect the pieces after a sacrifice," were the Treasury officials in early times, who received the taxes and handed them over to be kept by the Treasurers. In later times the Colacretæ seem to have ceased to exist, and they are not mentioned in Aristotle's enumeration of the officials in his own day.

medimni, the Knights, and the Zeugitae, giving offices to each class in proportion to the value of their rateable property. To those who ranked among the Thetes he gave nothing but a place in the Assembly and in the juries. A man had to rank as a Pentacosimedimnus if he made, from his own land, five hundred measures, whether liquid or solid. Those ranked as Knights who made three hundred measures, or, as some say, those who were able to maintain a horse. In support of the latter definition they adduce the name of the class, which may be supposed to be derived from this fact, and also some votive offerings of early times; for in the Acropolis there is a votive offering, a statue of Diphilus,<sup>1</sup> bearing this inscription:—

The son of Diphilus, Anthemion hight,  
Raised from the Thetes and become a Knight,  
Did to the gods this sculptured charger bring,  
For his promotion a thank-offering.

And a horse stands beside the man, which seems to show that this was what was meant by belonging to the rank of Knight. At the same time it seems more reasonable to suppose that this class, like the Pentacosimedimni, was defined by the possession of an income of a

<sup>1</sup> Mr. A. S. Murray has pointed out that this must be a mistake, either of Aristotle, or, more probably, of the copyist. The statue set up by Anthemion must have been his own, not his father's, since the latter, as the inscription proves, could not properly have been represented with a horse, as he was only a member of the Thetes. We should therefore read "a statue of Anthemion, son of Diphilus."

certain number of measures. Those ranked as Zeugitae who made two hundred measures, liquid or solid ; and the rest ranked as Thetes, and were not eligible for any office. Hence it is that even at the present day, when a candidate for any office is asked to what rank he belongs, no one would think of saying that he belonged to the Thetes.

8. The elections to the various offices Solon enacted should be by lot, out of candidates selected by each of the tribes. Each tribe selected ten candidates for the nine archonships, and among these the lot was cast. Hence it is still the custom for each tribe to choose ten candidates by lot, and then the lot is again cast among these. A proof that Solon regulated the elections to office according to the property classes may be found in the law still in force for the election of the Treasurers, which enacts that they shall be chosen from the *Pentacosiomedimni*.<sup>1</sup> Such was Solon's legislation with respect to the nine Archons ; whereas in early times the Council of Areopagus<sup>2</sup> sum-

<sup>1</sup> That this qualification was, in Aristotle's own time, purely nominal, appears from ch. 47, where it is stated that the person on whom the lot falls holds the office, be he ever so poor.

<sup>2</sup> This statement is of great value, as nothing has hitherto been known concerning the way in which the archons and other magistrates were appointed previous to the time of Solon. The elections by the Areopagus, which may have begun as early as the first successors of Codrus, apparently lasted till the reforms of Draco, by which the franchise was conferred on all who could furnish a military equipment, and the magistrates were presumably thenceforward elected in the general Ecclesia or Assembly.

moned suitable persons according to its own judgment and appointed them for the year to the several offices. There were four tribes, as before, and four tribe-kings. Each tribe was divided into three Trittyes [= Thirds], with twelve Naucraries<sup>1</sup> in each; and the Naucraries had officers of their own, called Naucrāri, whose duty it was to superintend the current receipts and expenditure. Hence, among the laws of Solon now obsolete, it is repeatedly written that the Naucrari are to receive and spend out of the Naucratic fund. Solon also appointed a Council of four hundred, a hundred from each tribe; but he assigned to the Areopagus the duty of superintending the laws, so that it continued, as before, to be the guardian of the constitution in general. It kept watch over the citizens in all the most important matters, and corrected offenders, having full powers to inflict either fines or personal punishment. The money received in fines it brought up into the Acropolis, without assigning the reason for the punishment. It also tried those who conspired for the overthrow of the state, Solon having enacted a process of impeachment to deal with such offenders. Further, since he saw the state

<sup>1</sup> It appears from ch. 21 that the Naucraries were local divisions, which, under the constitution of Cleisthenes, were replaced by the demes. The division of tribes into Trittyes and Naucraries existed before the time of Solon, as appears from Herodotus (v. 71), and they are only mentioned here as continuing under Solon's constitution, not as created by him.



often engaged in internal disputes, while many of the citizens from sheer indifference waited to see what would turn up, he made a law with express reference to such persons, enacting that anyone who, in a time of civil factions, did not take up arms with either party, should lose his rights as a citizen and cease to have any part in the state.

9. Such, then, was his legislation concerning the magistrates of the state. There are three points in the constitution of Solon which appear to be its most democratic features : first and most important, the prohibition of loans on the security of the debtor's person ; secondly, the right of every person who so willed to claim redress on behalf of anyone to whom wrong was being done ; thirdly, the institution of the appeal to the law-courts ; and it is by means of this, last, they say, that the masses have gained strength most of all, since, when the democracy is master of the voting-power, it is master of the constitution.<sup>1</sup> Moreover, since the laws were not drawn up in simple and explicit terms (but like the one concerning inheritances and wards

<sup>1</sup> This was, unquestionably, one of the most important factors in the development of the Athenian democracy. The large juries (consisting of several hundreds of members) which sat in the Athenian courts, and appointed the sentence as well as decided on the guilt of the accused, practically represented the voice of the people ; and as all magistrates had to submit to examination before the law-courts at the end of their term of office, the democracy had a ready means of securing obedience to its wishes. The "voting-power" is consequently that which was exercised in deciding the verdict and the sentence.

of state), disputes inevitably occurred, and the courts had to decide in every matter, whether public or private. Some persons in fact believe that Solon deliberately made the laws indefinite, in order that the final decision might be in the hands of the people. This, however, is not at all probable, and the reason no doubt was that it was impossible to attain ideal perfection when framing a law in general terms; for we must judge of his intentions, not from the actual results in the present day, but from the general tenor of the rest of his legislation.

10. These seem to be the democratic features of his laws; but in addition, before the period of his legislation, he made his abolition of debts, and after it his increase in the standards of weights and measures, and of the currency. During his term of office the measures were made larger than those of Pheidon, and the mina, which previously had a standard of seventy<sup>1</sup> drachmas, was raised to the full hundred. The standard coin in earlier times was the two-drachma piece. He also made weights corresponding with the coinage, sixty-three minas going to the talent;

<sup>1</sup> Reading ἄγρουσα σταθμὸν. According to Plutarch the one hundred drachmas of the new standard were equal to seventy-three of the old; but if, as appears below, the value of the mina was raised at the same time by one-twentieth, the actual number of drachmas in the old mina would have been seventy. The effect of the reform was to substitute the Euboic for the Aeginetan standard of coinage; and Solon's object, no doubt, was to encourage Athenian trade with the great commercial cities of Euboea.

and the odd three minas were distributed among the staters and the other values.<sup>1</sup>

II. When he had completed his organization of the constitution in the manner that has been described, he found himself beset by people coming to him and harassing him concerning his laws, criticising here and questioning there, till, as he wished neither to alter what he had decided on nor yet to be an object of ill-will to everyone by remaining in Athens, he set off on a journey to Egypt, with the combined objects of trade and travel, giving out that he should not return for ten years. He considered that there was no call for him to expound the laws personally, but that everyone should obey them just as they were written. Moreover, his position at this time was unpleasant. Many members of the upper class had been estranged from him on account of his abolition of debts, and both parties were alienated through their disappointment at the condition of things which he had created. The mass of the people had expected him to make a complete redistribution of all property, and the upper class hoped he would restore everything to its former position, or, at any rate, make but a small change. He, however, had resisted both classes. He

<sup>1</sup> *i.e.*, the talent was raised by one-twentieth; it still consisted of sixty minas, but these were equal to sixty-three of the old minas, and the increase was distributed proportionately over the smaller values, such as the stater (= four drachmas). In the last clause the reading of the MS. is probably αἱ τρεῖς μναί.

might have made himself a despot by attaching himself to whichever party he chose, but he preferred, though at the cost of incurring the enmity of both, to save the country and establish the best laws that were possible.

12. The truth of this view of Solon's policy is established alike by the common consent of all, and by the mention which he has himself made of the matter in his poems.<sup>1</sup> Thus :—

I gave to the mass of the people such rank as befitted their  
need,  
I took not away their honour, and I granted naught to their  
greed ;  
While those who were rich in power, who in wealth were glorious  
and great,  
I bethought me that naught should befall them unworthy their  
splendour and state ;  
So I stood with my shield outstretched, and both were safe in  
its sight,  
And I would not that either should triumph, when the triumph  
was not with right.

Again he declares how the mass of the people ought to be treated :—

<sup>1</sup> The first two quotations were known previously, though the last couplet of the second occurs in the collection ascribed to Theognis and only the first line of it was known to be Solon's. The third passage is mostly new, but the fourth and fifth lines are quoted by Plutarch, and part of the sixth and seventh by Aristides. The three remaining passages, which all belong to one poem, were mostly known before ; but the first two lines are new, and also the second of the three quotations, and the recurrence in the opening of the third passage of a phrase used in the first has hitherto caused some confusion of the two quotations.

But thus will the people best the voice of their leaders obey,  
When neither too slack is the rein, nor violence holdeth the  
    sway ;

For satiety breedeth a child, the presumption that spurns  
    control,

When riches too great are poured upon men of unbalanced soul.

And again elsewhere he speaks about the  
persons who wished to redistribute the land :—

So they came in search of plunder, and their cravings knew no  
    bound,

Every one among them deeming endless wealth would here be  
    found,

And that I with glozing smoothness hid a cruel mind within.

Fondly then and vainly dreamt they ; now they raise an angry  
    din,

And they glare askance in anger, and the light within their  
    eyes

Burns with hostile flames upon me. Yet therein no justice lies.

All I promised, fully wrought I with the gods at hand to cheer,

Naught beyond in folly ventured. Never to my soul was dear

With a tyrant's force to govern, nor to see the good and base

Side by side in equal portion share the rich home of our race.

Once more he speaks of the abolition of debts  
and of those who before were in servitude, but  
were released owing to the Seisachtheia :—

Wherefore I freed the racked and tortured crowd

From all the evils that beset their lot,<sup>1</sup>

Thou, when slow time brings justice in its train,

O mighty mother of the Olympian gods,

Dark Earth, thou best canst witness, from whose breast

I swept the pillars<sup>2</sup> broad-cast planted there,

---

<sup>1</sup> No satisfactory reading of these two lines has yet been proposed. I have therefore left them unchanged. Jebb's reading (given by Sandys) seems the most attractive: *οὐνεκα ξυνήγαγον ὄημον, τί τ. π. τυχεῖν ἐπαναστάμην* ;

<sup>2</sup> These were the pillars set up on mortgaged lands, to record the fact of the encumbrance.

And made thee free, who hadst been slave of yore.  
And many a man whom fraud or law had sold  
Far from his god-built land, an outcast slave,  
I brought again to Athens; yea, and some,  
Exiles from home through debt's oppressive load,  
Speaking no more the dear Athenian tongue,  
But wandering far and wide, I brought again;  
And those that here in vilest slavery  
Crouched 'neath a master's frown, I set them free.  
Thus might and right were yoked in harmony,  
Since by the force of law I won my ends  
And kept my promise. Equal laws I gave  
To evil and to good, with even hand  
Drawing straight justice for the lot of each.  
But had another held the goad as I,  
One in whose heart was guile and greediness,  
He had not kept the people back from strife.  
For had I granted, now what pleased the one,  
Then what their foes devised within their hearts,  
Of many a man this state had been bereft.  
Therefore I showed my might on every side,  
Turning at bay like wolf among the hounds.

And again he reviles both parties for their  
grumblings in the times that followed:—

Nay, if one must lay blame where blame is due,  
Wer't not for me, the people ne'er had set  
Their eyes upon these blessings e'en in dreams:—  
While greater men, the men of wealthier life,  
Should praise me and should court me as their friend.

For had any other man, he says, received this  
exalted post,—

He had not kept the people back, nor ceased  
Till he had robbed the richness of the milk.  
But I stood forth, a landmark in the midst,  
And barred the foes from battle.

13. Such, then, were Solon's reasons for his  
departure from the country. After his retire-



ment the city was still torn by divisions. For four years, indeed, they lived in peace ; but in the fifth year after Solon's government they were unable to elect an Archon on account of the dissensions, and again four years later they elected no Archon for the same reason. Subsequently, after a similar period had elapsed,<sup>1</sup> Damasias was elected Archon ; and he governed for two years and two months, until he was forcibly expelled from his office. After this it was agreed, on account of the dissensions, to elect ten Archons, five from the Eupatridae, three from the Agroeci, and two from the Demiurgi ;<sup>2</sup> and these officers ruled for the year following Damasias. It is clear from this that the Archon was at that time the magistrate who possessed the greatest power, since it is always in connection with this office that conflicts are seen to

<sup>1</sup> *i.e.*, in 582 B.C. This episode of Damasias is not mentioned elsewhere. It evidently represents an attempt to establish a despotism by the process of refusing to quit office when it had been once obtained. Damasias was successful in remaining in office for a second year ; but when he tried to continue his rule for a third year he was summarily expelled, evidently by a combination of all classes in the state, since the provisional government which succeeded him was composed of representatives of all.

<sup>2</sup> These three classes, the Eupatridae or nobles, the Agroeci or husbandmen, and the Demiurgi or artisans, were the primitive divisions of the inhabitants of Attica. The reversion to this classification at the time of Damasias seems to show that the Solonian classification by property had given offence, presumably to the noble families, and that the latter, being obliged to admit the lower orders to a share in the government, preferred to do so under the nomenclature of the older divisions.

arise. But altogether they were in a continual state of internal disorder. Some found the cause and justification of their discontent in the abolition of debts, because thereby they had been reduced to poverty ; others were dissatisfied with the political constitution, because it had undergone a revolutionary change ; while with others the motive was found in personal rivalries among themselves. The parties at this time were three in number. First there was the party of the Shore, whose leader was Megacles the son of Alcmeon,<sup>1</sup> which was considered to aim at a moderate form of government ; then there were the men of the Plain, who desired an oligarchy and were led by Lycurgus ; and thirdly there were the men of the Highlands, at the head of whom was Pisistratus, who was looked on as an extreme democrat. To this latter party were attached those who had been deprived of the debts due to them, from motives of poverty, and those who were not of pure descent, from motives of personal apprehension.<sup>2</sup> A proof of this is seen in the fact that after the tyranny<sup>3</sup> was overthrown a revision was made of the citizen-roll, on the ground that many persons

<sup>1</sup> This, and not Alcmaeon, seems to be the most correct spelling of the name, according to inscriptions of good date, which are our earliest evidence on the subject. The MS. of this treatise also supports this view.

<sup>2</sup> They were afraid of losing their position as citizens if the party of the extreme oligarchs triumphed.

<sup>3</sup> The name of "tyrants" has been so universally applied to the Greek despots, that it would be pedantry to avoid using it

were partaking in the franchise without having a right to it. The names given to the respective parties were derived from the districts in which they held their lands.

14. Pisistratus had the reputation of being an extreme democrat, and he also had distinguished himself greatly in the war with Megara.<sup>1</sup> Taking advantage of this, he wounded himself, and by representing that his injuries had been inflicted on him by his political rivals, he persuaded the people, through a motion proposed by Aristion, to grant him a body-guard. After he had got these "club-bearers," as they were called, he made an attack with them on the people and seized the Acropolis. This happened in the archonship of Comeas, thirty-one<sup>2</sup> years after

as the translation of *τύραννος*, but it will of course be understood that not all the persons thus described were "tyrants" in the modern unpleasant sense of the word. Pisistratus himself, as Aristotle testifies, was a notable instance to the contrary.

<sup>1</sup> It has been commonly supposed, on the authority of Plutarch, that Pisistratus gained his distinction in the war against Megara for the recovery of Salamis, which was undertaken at the instance of Solon, about 600 B.C. This, however, would make him hardly less than sixty at his first assumption of the tyranny, eighty when he finally secured himself in it, and over ninety at his death,—ages which are impossible when we consider the ordinary duration of life in those days. Moreover, a distinction gained in 600 B.C. would hardly have helped him in an enterprise forty years later. It is therefore tolerably certain that the war with Megara here alluded to is a much later one, which must have taken place about 565 B.C. See ch. 17.

<sup>2</sup> The date of Pisistratus' first tyranny is fixed, by means of the archon, at 560 B.C.; and the accepted date of Solon is 594 B.C. Either, therefore, Solon's legislation should be placed three

the legislation of Solon. It is related that, when Pisistratus asked for his body-guard, Solon opposed the request, and declared that in so doing he proved himself wiser than half the people and braver than the rest,—wiser than those who did not see that Pisistratus designed to make himself tyrant, and braver than those who saw it and kept silence. But when all his words availed nothing he carried forth his armour and set it up in front of his house, saying that he had helped his country so far as lay in his power (he was already a very old man), and that he called on all others to do the same. Solon's exhortations, however, proved fruitless, and Pisistratus assumed the sovereignty. His administration was far more like a constitutional government than the rule of a tyrant; but before his power was firmly established, the adherents of Megacles and Lycurgus made a coalition and drove him out. This took place in the archonship of Hegesias, five years after the first establishment of his rule. Eleven years later<sup>1</sup> Megacles, being in difficulties in a party struggle, again opened negotiations with Pisistratus, proposing that the latter should marry his daughter; and on these terms he brought him

years later (which will also involve a different explanation of the date of Damasias), or Aristotle has made a mistake in his chronology.

<sup>1</sup> There is some error in Aristotle's chronology of the life of Pisistratus, for while he states below that, of the thirty-three years between his first accession and his death, nineteen were spent in possession of the tyranny and fourteen in exile, in the

back to Athens, by a very primitive and simple-minded device. He first spread abroad a rumour that Athena was bringing back Pisistratus, and then, having found a woman of great stature and beauty, named Phyë (according to Herodotus, of the deme of Paeānia, but as others say a Thracian flower-seller of the deme of Collytus), he dressed her in garb resembling that of the goddess and brought her into the city with Pisistratus. The latter drove in on a chariot with the woman beside him, and the inhabitants of the city, struck with awe, received him with adoration.

15. In this manner did his first return take place. He did not, however, hold his power long, for about six years after his return he was again expelled. He refused to treat the daughter of Megacles as his wife, and being afraid, in consequence, of a combination of the two opposing parties, he retired from the country. First he led a colony to a place called Rhaicēlus, in the

actual enumeration of years he gives twenty-one years of exile and consequently only twelve of rule, of which only one can be assigned to his last period of government, which is always spoken of as the longest. It is therefore tolerably certain that one of the periods of exile is wrongly dated; and as the ten years of the second exile are confirmed by Herodotus, it may be concluded that the eleven years here assigned to the first exile are wrong, and should be reduced to four. It should be noticed that in the *Politics* it is stated that Pisistratus was actually in power only seventeen years out of the thirty-three; but this would reduce the duration of his third tenure of power lower than is at all probable, unless we suppose that the length of the two earlier terms is wrongly given here.

region of the Thermaic gulf; and thence he passed to the country in the neighbourhood of Mt. Pangaeus. Here he acquired wealth and hired mercenaries; and not till ten years had elapsed did he return to Eretria and make an attempt to recover the government by force. In this he had the assistance of many allies, notably the Thebans and Lygdāmis of Naxos, and also the Knights who held the supreme power in the constitution of Eretria. After his victory in the battle at Pallēnē he recovered the sovereignty, and when he had disarmed the people he at last had his tyranny securely established, and was able to take Naxos and set up Lygdamis as ruler there. He effected the disarmament of the people in the following manner. He held a review in full armour in the Thesēum, and began to make a speech to the people. He spoke, however, in a low voice; and when the people called out that they could not hear him, he bade them come up to the entrance of the Acropolis, in order that his voice might be better heard. Then, while he continued to speak to them at great length, men whom he had appointed for the purpose collected the arms and locked them up in the neighbouring chambers of the Theseum, and came and made a signal to him. Pisistratus accordingly, when he had finished the rest of what he had to say, told the people also what had happened to their arms; adding that they were not to be surprised or alarmed, but go home and attend to their



private affairs, while he would for the future manage all the business of the state.

16. Such was the origin and such the vicissitudes of the tyranny of Pisistratus. His administration was temperate, as has been said before, and more like constitutional government than a tyranny. Not only was he in every respect humane and mild and ready to forgive those who offended, but, in addition, he advanced money to the poorer people to help them in their labours, so that they might make their living by agriculture. In this he had two objects, first that they might not spend their time in the city but might be scattered over all the face of the country, and secondly that, being moderately well off and occupied with their own business, they might have neither the wish nor the time to attend to public affairs. At the same time his revenues were increased by the thorough cultivation of the country, since he imposed a tax of one tenth on all the produce. For the same reasons he instituted the local justices,<sup>1</sup> and often made expeditions in person into the country to inspect it and to settle disputes between individuals, that they might not come into the city and neglect their farms. It was in one of these progresses that, as the story goes, Pisistratus had his adventure with the man in the district of Hymettus, who was cultivating the spot after-

<sup>1</sup> See ch. 53, where it is stated that their number was at first thirty, but was subsequently increased to forty.

wards known as "Tax-free Farm." He saw a man digging and working at a very stony piece of ground with a stake,<sup>1</sup> and being surprised he sent his attendant to ask what he got out of this plot of land. "Aches and pains," said the man; "and of these Pisistratus has got to have his tenth." The man spoke without knowing who his questioner was; but Pisistratus was so pleased with his frank speech and his industry that he granted him exemption from all taxes. And so in matters in general he burdened the people as little as possible with his government, but always cultivated peace and kept them in all quietness. Hence the tyranny of Pisistratus was often spoken of proverbially as "the age of gold";<sup>2</sup> since later the government became much harsher, owing to the excesses of his sons. The quality which received most praise of all was his popular and kindly disposition. In his whole administration he was accustomed to observe the laws, without giving himself any exceptional privileges. Once he was summoned on a charge of homicide before the Areopagus, and he appeared in person to make his defence; but the prosecutor was afraid to present himself and abandoned the case. For these reasons his government continued long, and whenever he was expelled he regained his position easily. The majority alike of the upper class and of the

<sup>1</sup> The exact reading of the MS. is doubtful.

<sup>2</sup> Literally "the age of Cronos," or, in its Latin parallel, "the Saturnian age."

people were in his favour ; the former he won by his social intercourse with them, the latter by the assistance which he gave to their private purses, and his nature fitted him to win the hearts of both. Moreover, the laws in reference to tyrants at that time in force at Athens were very mild, especially the one which applies more particularly to the establishment of a tyranny. The law ran as follows : " These are the ancestral statutes of the Athenians ; if any persons shall make an attempt to establish a tyranny, or if any person shall join in setting up a tyranny, he shall lose his civic rights, both himself and his whole house."

17. Thus did Pisistratus grow old in the possession of power, and he died a natural death in the archonship of Philoneos,<sup>1</sup> three and thirty years from the time at which he first established himself as tyrant, during nineteen of which he was in the possession of power ; the rest he spent in exile. It is evident from this that the story is mere gossip which states that Pisistratus was the youthful favourite of Solon and commanded in the war against Megara for the recovery of Salamis. It will not harmonize with their respective ages, as anyone may see who will reckon up the years of the life of each of them, and the dates at which they died. After the death of Pisistratus his sons took up the government, and conducted it on the same system.

<sup>1</sup> 527 B.C.

He had two sons by his first and legitimate<sup>1</sup> wife, Hippias and Hipparchus, and two by his Argive consort, Iophon and Hegesistratus, who had the surname of Thessalus. For Pisistratus took a wife from Argos, of the name of Timonassa, the daughter of a man of Argos, named Gorgilus; she had previously been the wife of Archinus of Ambracia, one of the descendants of Cypselus. This was the origin of his friendship with the Argives, and a thousand of them were brought over by Hegesistratus and fought on his side in the battle at Pallene. Some authorities say that this marriage took place after his first expulsion from Athens, others while he was in possession of the government.

18. Hippias and Hipparchus assumed the control of affairs on grounds alike of standing and of age; but Hippias, as being the elder and being also naturally of a statesmanlike and shrewd disposition, was really the head of the government. Hipparchus was youthful in disposition, amorous, and fond of literature, and it was he who invited to Athens Anacreon, Simonides, and the other poets. Thessalus was much junior in age, and was violent and headstrong in his behaviour. It was from his character that all the evils arose which befell the house.<sup>2</sup>

<sup>1</sup> Pisistratus' second wife was a foreigner, and therefore not legitimate according to strict Athenian law.

<sup>2</sup> This is a direct contradiction of the narrative of Thucydides, who makes Hipparchus responsible for the outrage which provoked the plot of Harmodius and Aristogeiton. It is impossible to say positively which is right. The exact details would be

He became enamoured of Harmodius, and, since he failed to win his affection, he lost all restraint upon his passion, and after several other insults he finally manifested his rage by forbidding the sister of Harmodius to take the part of a basket-bearer in the Panathenaic procession, insulting Harmodius at the same time by alleging as his reason that he was a person of loose life. The result of this was that Harmodius and Aristogeiton, in a frenzy of wrath, did their celebrated deed, in conjunction with a number of confederates.<sup>1</sup> But while they were watching Hippias in the Acropolis during the Panathenaea (Hippias, at this moment, was awaiting the arrival of the procession, while Hipparchus was organizing its despatch) they saw one of the persons privy to the plot talking familiarly with him. Thinking that he was betraying them, and desiring to do something before they were arrested, they rushed down and made their attempt without waiting for the rest of their confederates, and killed Hipparchus near the Leocorëum while he was engaged in arranging the procession. This, however, ruined the design as a whole ; and, of the two leaders, Harmodius was killed on the spot by the guards, while Aristogeiton was arrested later, and perished after suffering long known to few, and the fact that it was Hipparchus who was killed (though Hippias, and not he, was the person aimed at) would cause men to believe that he was the person to blame.

<sup>1</sup> Thucydides states expressly that the conspirators were few in number. Aristotle probably again intends to correct him, silently but pointedly.

tortures. While under the torture he accused many persons who belonged by birth to the most distinguished families and were also personal friends of the tyrants. At first the government could find no clue to the conspiracy ; for the current story,<sup>1</sup> that Hippias made all who were taking part in the procession leave their arms, and then detected those who were carrying secret daggers, cannot be true, since at that time they did not bear arms in the processions, this being a custom instituted at a later period by the democracy. According to the story of the popular party, Aristogeiton accused the friends of the tyrants with the deliberate intention that the latter might commit an impious act, and at the same time weaken themselves, by putting to death innocent men who were their own friends ; others say that he told no falsehood, but was betraying the actual accomplices. At last, when for all his efforts he could not obtain release by death, he promised to give further information against a number of other persons ; and, having induced Hippias to give him his hand to confirm his word, as soon as he had hold of it he reviled him for giving his hand to the murderer of his brother, till Hippias, in a frenzy of rage, lost control of himself and drew out his dagger and despatched him.

19. After this event the tyranny became much

<sup>1</sup> This is the version given by Thucydides, which Aristotle evidently again wishes to correct.



harsher. In consequence of his vengeance for his brother, and of the execution and banishment of a large number of persons, Hippias became a distrustful and an embittered man. About three years after the death of Hipparchus, finding his position in the city insecure, he set about fortifying Munychia, with the intention of removing thither. While he was still engaged on this work, however, he was expelled by Cleomenes, king of Lacedaemon, in consequence of the Spartans being continually warned by oracles to overthrow the tyranny. The oracles were obtained in the following way. The Athenian exiles, headed by the Alcmeonidae, could not by their own power effect their return, but failed continually in their attempts. Among their other failures, they fortified a post in Attica, Lipsydrium, above Mt. Parnes, and were there joined by some partisans from the city ; but they were besieged by the tyrants and reduced to surrender. After this disaster the following became a popular drinking song :—

Ah ! for Lipsydrium, name of woe  
And treachery ; ah ! for the men lai l low,  
Nobly born and great in deed ;  
Well did they prove themselves at need  
Of noble sires a noble seed.

Having failed, then, in every other method, they took the contract for rebuilding the temple at Delphi,<sup>1</sup> using for that purpose the considerable

<sup>1</sup> The temple at Delphi had been burnt, as is recorded by Herodotus (ii. 180).

wealth which they possessed, with the view of securing the help of the Lacedaemonians. The Pythia accordingly was continually enjoining on the Lacedaemonians who came to consult the oracle, that they must free Athens ; till finally she succeeded in turning the Spartans in that direction, although the house of Pisistratus was connected with them by ties of hospitality. At the same time the resolution of the Lacedaemonians was at least equally due to the friendship which had been formed between the house of Pisistratus and Argos.<sup>1</sup> Accordingly they first sent Anchimolus by sea at the head of an army ; but he was defeated and killed, through the arrival of Cineas of Thessaly to support the sons of Pisistratus with a force of a thousand horsemen. Then, being roused to anger by this disaster, they sent their king, Cleomenes, by land at the head of a larger force ; and he, after defeating the Thessalian cavalry when they attempted to intercept his march into Attica, shut up Hippias within what was known as the Pelargic wall and blockaded him there with the assistance of the Athenians. While he was sitting down before the place, it so happened that the sons of the Pisistratidae were captured in an attempt to make their escape from the country ; upon which the tyrants capitulated on condition of the safety of their children, and surrendered the Acropolis to

<sup>1</sup> Argos being the ancient rival of Sparta for the supremacy of the Peloponnesus.

the Athenians, five days being first allowed them to remove their effects. This took place in the archonship of Harpactides,<sup>1</sup> after they had held the tyranny for about seventeen years since their father's death, or in all, including the period of their father's rule, for nine and forty years.

20. After the overthrow of the tyranny, the rival leaders in the state were Isagoras son of Tisander, a partisan of the tyrants, and Cleisthenes, who belonged to the family of the Alcmeonidae. Cleisthenes, being beaten in the political clubs, attracted the people to his side by giving the franchise to the masses. Thereupon Isagoras, finding himself left inferior in power, invited Cleomenes, who was united to him by ties of hospitality, to return to Athens, and persuaded him to "drive out the pollution,"<sup>2</sup> a plea derived from the fact that the Alcmeonidae were supposed to be under the curse of pollution. On this, Cleisthenes, with a few of his adherents, retired from the country, and Cleomenes expelled, as polluted, seven hundred Athenian families. Having effected this, he next attempted to

<sup>1</sup> The archon's name has not been previously known, but the date is established independently as the year 511-10 B.C. (the Athenian official year beginning in July), apparently in the spring of 510 B.C.

<sup>2</sup> *i.e.* to expel the house of the Alcmeonidae, which was still supposed to be polluted by the sacrilege in the affair of Cylon. It is the same phrase as was afterwards made use of by the Spartans, when, just before the outbreak of the Peloponnesian war, they called on the Athenians to "drive out the pollution," in order to secure the disgrace of Pericles, who was connected with the house of the Alcmeonidae.

dissolve the Council, and to set up Isagoras and three hundred of his partisans as the supreme power in the state. The Council, however, resisted, the populace flocked together, and Cleomenes and Isagoras, with their adherents, took refuge in the Acropolis. Here the people sat down and besieged them for two days; and on the third they agreed to let Cleomenes and all his followers depart, while they sent to summon Cleisthenes and the other exiles back to Athens. When the people had thus obtained the command of affairs, Cleisthenes was their chief and the leader of the people.<sup>1</sup> And this was natural; for the Alcmeonidae were perhaps the chief cause of the expulsion of the tyrants, and for the greater part of their rule they were at perpetual war with them. But even earlier than the attempts of the Alcmeonidae, Cedon<sup>2</sup> made an attack on the tyrants; whence there was also a popular drinking song, addressed to him:—

Pour a health yet again, boy, to Cedon; forget not this duty to do,  
If a health is an honour befitting the name of a good man and true.

21. The people, therefore, had good reason to place confidence in Cleisthenes. Accordingly

<sup>1</sup> This phrase almost amounts to an official title, denoting the person who, at any given time, was regarded as the accepted leader of the democracy. A list of such leaders is given in ch. 28, where see note.

<sup>2</sup> Nothing has hitherto been known of this person except the song quoted below, and that was not sufficient to establish his date or the character of his achievements.

when, at this time, he found himself at the head of the masses, three years after the expulsion of the tyrants, in the archonship of Isagoras,<sup>1</sup> his first step was to distribute the whole population into ten tribes in place of the existing four, with the object of intermixing the members of the different tribes, so that more persons might have a share in the franchise.<sup>2</sup> From this arose the saying "do not look at the tribes," addressed to those who wished to scrutinize the lists of the old families.<sup>3</sup> Next he made the Council to consist of five hundred members instead of four hundred, each tribe now contributing fifty, whereas formerly each had sent a hundred. The reason why he did not organize the

<sup>1</sup> 508 B.C.

<sup>2</sup> It is not at first sight evident why a mere redistribution of the population into ten tribes instead of four should give more persons a share in the franchise. But the object of Cleisthenes was to break down the old family and tribal feelings on which political contests had hitherto been based. To do this, he established a new division into tribes, which corresponded to no existing subdivision of the old ones, and at the same time he introduced a large number of new citizens by the enfranchisement of emancipated slaves and resident aliens. There would have been endless difficulties in the way of introducing them into the old tribes, which were organized into clans and families on the old aristocratic basis; but they were easily included in the new tribes, which had no such associations connected with them.

<sup>3</sup> Apparently this means that since the tribes now bore no relation to the ancient families, it was useless to look at the lists of the tribes if anyone wished to examine the rolls of the families. Hence the phrase seems to have become a proverbial one for making useless distinctions or refinements. The families (together with the larger units known as phratries or clans) were ancient divisions of the four old tribes, on the basis of kinship, and mainly for social and religious purposes.



people into twelve tribes was that he might not have to divide them according to the already existing Trittyes ; for the four tribes had twelve Trittyes, so that he would not have achieved his object of redistributing the population in fresh combinations. Further, he divided the country by demes<sup>1</sup> into thirty parts, ten from the districts about the city, ten from the coast, and ten from the interior. These he called Trittyes ; and he assigned three of them by lot to each tribe, in such a way that each should have one portion in each of these three divisions. All who lived in any given deme he declared fellow-demesmen, to the end that the new citizens might not be exposed by the habitual use of family names, but that men might be known by the names of their demes ;<sup>2</sup> and accordingly it is by the names of their demes that the Athenians still speak of one another. He also instituted De-

<sup>1</sup> The total number of demes, or parishes, is not given, but from Herodotus it appears to have been a hundred. It gradually increased with the growth of population, and in the third century B.C. there were 176 demes. The demes composing each trittys appear to have been contiguous, but each trittys was separate from its two fellows, so that the party feeling of the tribe was spread over three local divisions, and the old feuds between the different districts of Attica became impossible.

<sup>2</sup> The meaning of this is that if the people continued to speak of one another merely by their family names as hitherto, newly enfranchised citizens, whose fathers had been slaves or aliens, would be markedly distinguished from the older citizens who belonged to ancient families ; but by making the name of the deme part of the necessary description of every citizen it was easy for any man to establish his claim to citizenship by naming the deme to which he belonged, even though his father's name



marches, who had the same duties as the previously existing Naucrari,—the demes being made to take the place of the naucraries. He gave names to the demes, some from the localities to which they belonged, some from the persons who founded them, since some of them no longer corresponded to localities possessing names. On the other hand he allowed everyone to retain his family and clan and religious rites according to ancestral custom.<sup>1</sup> The names given to the tribes were the ten which the Pythia appointed out of the hundred selected national heroes.

22. By these reforms the constitution became much more democratic than that of Solon. The laws of Solon had been obliterated by disuse during the period of the tyranny, and new ones had been drawn up in their place by Cleisthenes with the object of securing the goodwill of the masses. Among these was the law concerning ostracism. Four years<sup>2</sup> after

might be foreign or unfamiliar. Thus in later times we find Athenians officially described by the name of their deme as well as that of their father, *e.g.* "Hipparchus, son of Charmus, of Collytus," (ch. 22); and sometimes, in non-official language, by the deme alone, *e.g.* "Callicrates of Paeania" (ch. 28).

<sup>1</sup> Thus the ancient divisions were maintained for the benefit of the older families, but they ceased to be part of the regular organization of the community for political purposes.

<sup>2</sup> This, if correct, would place this event in 504 B.C. But, in the first place, that year belongs to another archon; and secondly, it is inconsistent with the statement below, that the battle of Marathon occurred eleven years later. Marathon was fought in 490 B.C., therefore the archonship of Hermocreon

the establishment of this system, in the archonship of Hermocreon, they first imposed upon the Council of Five Hundred the oath which they take to the present day. Next they began to elect the generals according to tribes, one from each tribe, while the Polemarch was the commander of the whole army. Then, eleven years later, they won the victory of Marathon, in the archonship of Phaenippus; and two years after this victory, when the people had now gained self-confidence, they for the first time made use of the law of ostracism. This was originally passed as a precaution against men in high office, because Pisistratus took advantage of his position as a popular leader and general to make himself tyrant; and the first person ostracised was one of his relatives, Hipparchus son of Charmus, of the deme of Collytus, the very person on whose account especially Cleisthenes had passed the law, as he wished to get rid of him. Hitherto, however, he had escaped; for the Athenians, with the usual leniency of the democracy, allowed all the partisans of the tyrants, who had not joined in their evil deeds in the time of the troubles, to remain in the city; and the chief and leader of these was Hipparchus. Then in the very next year, in the archonship of Telesinus,<sup>1</sup>

should be assigned to 501 B.C., for which year no name occurs in the extant lists of archons. Whether the mistake in the present passage is due to the author or a copyist it is impossible to say.

<sup>1</sup> 487 B.C. The name of the archon for this year has not hitherto been known. The date here given is valuable, because

they for the first time since the tyranny elected, tribe by tribe, the nine Archons by lot out of the five hundred <sup>1</sup> candidates selected by the demes, all the earlier ones having been elected by vote ; <sup>2</sup> and in the same year Megacles son of Hippocrates, of the deme of Alopēcē, was ostracised. Thus for three years they continued to ostracise the friends of the tyrants, on whose account the law had been passed ; but in the following year they began to remove others as well, including anyone who seemed to be more powerful than was expedient. The first person unconnected with the tyrants who was ostracised was Xanthippus son of Ariphron.<sup>3</sup> Two years later, in

it has hitherto been a matter of doubt whether Callimachus, the polemarch at Marathon, on whose casting vote the fighting of that battle depended, was elected by lot or by open vote. The words of Herodotus, strictly interpreted, imply the former ; but it has always been repugnant to common sense to suppose that an officer holding so important a position was elected by lot, and it is now clear that, until three years after Marathon, the Archons were still elected by direct vote, and, as stated above in this same chapter, the polemarch was the chief of the army, the ten generals (who subsequently became the chief military commanders) being his subordinates.

<sup>1</sup> It is probable that there is a mistake in this number. It appears from ch. 8 that under the Solonian constitution the number of candidates nominated by each tribe was ten, and that the same was the number in the writer's own day ; and it is hardly likely that the higher number of fifty ever prevailed at an intermediate period. The Greek numerals for 100 and 500 are easily confused.

<sup>2</sup> This statement can only apply to the period after the expulsion of the tyrants and the reforms of Cleisthenes, since under the Solonian constitution (ch. 8) the archons were elected by lot out of forty candidates selected by the tribes.

<sup>3</sup> The father of Pericles.

the archonship of Nicodemus,<sup>1</sup> the mines of Maroneia were discovered, and the state made a profit of a hundred talents from the working of them. Some persons advised the people to make a distribution of the money among themselves, but this was prevented by Themistocles. He refused to say on what he proposed to spend the money, but he bade them lend it to the hundred richest men in Athens, one talent to each, and then, if the manner in which it was employed pleased the people, the expenditure should be charged to the state, but otherwise the state should receive the sum back from those to whom it was lent. On these terms he received the money and with it he had a hundred triremes built, each of the hundred individuals building one; and it was with these ships that they fought the battle of Salamis against the barbarians. About this time Aristides the son of Lysimachus was ostracised. Three years later, however, in the archonship of Hypsichides,<sup>2</sup> all the ostracised persons were recalled, on account of the advance of the army of Xerxes; and it was laid down for the future that persons under sentence of ostracism must

<sup>1</sup> 483 B.C. Aristotle is, however, wrong in saying that this was two years later than the event last recorded, which was the ostracism of Xanthippus in 486 B.C. It should be "*three* years later"; and, to counterbalance this, for the "*three* years later" below, we should have "*two* years later." Aristotle evidently placed the archonship of Nicodemus in 484 B.C., but there is considerable independent evidence for placing it in 483 B.C.

<sup>2</sup> 481 B.C. The name of this archon is new.

live between Geraestus and Scyllaeum,<sup>1</sup> on pain of losing their civic rights irrevocably.

23. Up to this point had the city progressed by this time, growing gradually with the growth of the democracy; but after the Persian wars the Council of Areopagus once more developed strength and assumed the control of the state.<sup>2</sup> It did not acquire this supremacy by virtue of any formal decree, but because it had been the cause of the battle of Salamis being fought. When the generals were utterly at a loss how to meet the crisis and made proclamation that everyone should see to his own safety, the Areopagus provided a donation of money, distributing eight drachmas to each member of the ships' crews, and so prevailed on them to go on board. On these grounds it obtained a great advance in public estimation; and during this period Athens was well administered. At this time

<sup>1</sup> So the MS., but one of the grammarians, who probably drew from this passage, says that ostracised persons were compelled to live *outside* these boundaries; and it is possible that the MS. reading here should be altered from ἐντός to ἔκτος. Certainly in later times we find ostracised persons living beyond these limits; but they might have defied the law, or the law might have lapsed. Geraestus is at the extreme south of Euboea, and Scyllaeum at the extreme east of Argolis.

<sup>2</sup> The supremacy of the Areopagus after the Persian wars is alluded to by Aristotle in the *Politics* (viii. 4, p. 1304), but the allusion has never been clearly explained hitherto. It may be compared to the increase of power which the senate gained at Rome, by a similar (but much greater) display of competence in military matters, at the time of the Punic wars. The story of the way in which the Areopagus distinguished itself is also told by Plutarch.

they devoted themselves to the prosecution of the war and were in high repute among the Greeks, and the command by sea was conferred upon them, in spite of the opposition of the Lacedaemonians. The leaders of the people during this period were Aristides, son of Lysimachus, and Themistocles, son of Neocles, of whom the latter devoted himself to the conduct of war, while the former had the reputation of being a clever statesman and the most upright man of his time. Accordingly the one was usually employed as general, the other as a political adviser. The rebuilding of the fortifications they conducted in combination, although they were political opponents; but it was Aristides who guided the public policy in the matter of the defection of the Ionian states from<sup>1</sup> the alliance with Sparta, seizing the opportunity afforded by the discredit brought upon the Lacedaemonians by the misconduct of Pausanias. It follows that it was he who arranged the tribute from the various allied states, which was first instituted two years after the battle of Salamis, in the archonship of Timosthenes;<sup>2</sup> and it was he who took the oath of offensive and defensive alliance with the Ionians, on which occasion they cast the masses of iron into the sea.<sup>3</sup>

<sup>1</sup> The MS. has "and"; but the sense of the passage requires the alteration, since there is no indication of Athens having made an alliance with Sparta at this time.

<sup>2</sup> 478 B.C. The date of the formation of the confederacy of Delos has hitherto generally been placed two years later.

<sup>3</sup> This ceremony, as a sign of a determination which should



24. After this, seeing the state growing in confidence and much wealth accumulated, he advised the people to lay hold of the leadership of the league, and to quit the country districts and settle in the city. He pointed out to them that all would be able to gain a living there, some by service in the army, others in the garrisons, others by taking a part in public affairs; and in this way they would secure the leadership. This advice was taken; and when the people had assumed the supreme control they proceeded to treat their allies in a more imperious fashion, with the exception of the Chians, Lesbians, and Samians. These they maintained to protect their empire, leaving their constitutions untouched, and allowing them to retain whatever dominion they then possessed. They also secured an ample maintenance for the mass of the population in the way which Aristides had pointed out to them. Out of the proceeds of the tributes and the taxes and the contributions of the allies more than twenty thousand persons were maintained. There were 6,000 jurymen, 1,600 bowmen, 1,200 Knights,<sup>1</sup> 500 members of the Council, 500 guards of the dockyards, besides fifty guards in the city. There were some 700 magistrates at home, and some 700

last until the metal floated to the top of the sea, is also mentioned by Herodotus (i. 165) and Horace (Epod. xvi. 25, 26) in the story of the emigration of the Phocaeans from their native land to the West, where they ultimately founded Massilia.

<sup>1</sup> The citizen cavalry; see ch. 7.

abroad. Further, when they subsequently went to war, there were in addition 2,500 heavy armed troops, twenty guard-ships,<sup>1</sup> and other ships which collected the tributes, with crews amounting to 2,000 men, selected by lot; and besides these there were the persons maintained at the Prytanēum, and orphans, and gaolers, since all these were supported by the state.

25. In this way the people earned their livelihood. The supremacy of the Areopagus lasted, however, for about seventeen years after the Persian wars, although gradually declining. But as the strength of the masses increased, Ephialtes, son of Sophonides, a man with a reputation for incorruptibility and possessing a high public character, who had become the leader of the people, made an attack upon that Council. First of all he brought about the ruin of many of its members by bringing actions against them with reference to their administration. Then, in the archonship of Conon,<sup>2</sup> he stripped the Council of all the acquired prerogatives from which it derived its guardianship of the constitution, and assigned some of them to the Council of Five Hundred, and others to the Assembly and the law-courts. In this revolution he was

<sup>1</sup> The normal crew of a trireme was 200 men. At that rate these twenty guard-ships represent 4,000 men, and the 2,000 men mentioned in the next clause presumably represent ten ships.

<sup>2</sup> 462 B.C. This date has not been accurately known hitherto.

assisted by Themistocles,<sup>1</sup> who was himself a member of the Areopagus, but was expecting to be tried before it on a charge of treasonable dealings with Persia. This made him anxious that it should be overthrown, and accordingly he warned Ephialtes that the Council intended to arrest him, while at the same time he informed the Areopagites that he would reveal to them certain persons who were conspiring to subvert the constitution. He then conducted the representatives delegated by the Council to the residence of Ephialtes, promising to show them the conspirators who assembled there, and proceeded to converse with them in an earnest manner. Ephialtes, seeing this, was seized with alarm and took refuge in suppliant guise at the altar. Everyone was astounded at the occurrence, and presently, when the Council of Five Hundred met, Ephialtes and Themistocles together proceeded to denounce the Areopagus to them. This they

<sup>1</sup> This is one of the most striking of the new views of history brought to light by the reappearance of Aristotle's work. It has hitherto been believed that Themistocles was ostracised about 471 B.C., that the charge of complicity with Pausanias in his intrigues with Persia was brought against him about 466 B.C., and that he reached Persia in his flight about 465 B.C., the year in which Artaxerxes succeeded Xerxes. It now appears (if the evidence of this work is to be accepted) that he was in Athens in 462 B.C., and his ostracism cannot, therefore, be placed earlier than 461 B.C., and his flight to Persia may have occurred in 460 B.C. This statement is irreconcilable with the narrative of Thucydides (i. 137) that in his flight he was nearly captured by the Athenian fleet then engaged in the siege of Naxos, which is generally assigned to the year 466 B.C. ; and most critics reject it.

repeated in similar fashion in the Assembly, until they succeeded in depriving it of its power. Not long afterwards, however, Ephialtes was assassinated by Aristodocus of Tanagra. In this way was the Council of Areopagus deprived of its guardianship of the state.

26. After this revolution the administration of the state became more and more lax, in consequence of the eager rivalry of candidates for popular favour. During this period the moderate party, as it happened, had no real chief, their leader being Cimon son of Miltiades, who was a comparatively young man, and had been late in entering public life ; and at the same time the mass of the people suffered great losses by war. The soldiers for active service were selected at that time<sup>1</sup> from the roll of citizens, and as the generals were men of no military experience, who owed their position solely to their family standing, it continually happened that some two or three thousand of the troops perished on an expedition ; and in this way the best men alike of the lower and the upper classes were exhausted. The result was that in most matters of administration less heed was paid to the laws than had formerly been the case. No alteration, however, was made in the method of election of the nine Archons, except that five years after the death of Ephialtes it

<sup>1</sup> In contrast with the time at which the author was writing, when military service was, and had been for some time, principally performed by hired mercenaries.

was decided that the candidates to be submitted to the lot for that office might be selected from the Zeugitae as well as from the higher classes.<sup>1</sup> The first Archon from that class was Mnesitheides.<sup>2</sup> Up to this time all the Archons had been taken from the Pentacosiomedimni and Knights, while the Zeugitae were confined to the ordinary magistracies, save where an evasion of the law was overlooked. Four years later, in the archonship of Lysicrates,<sup>3</sup> the thirty "local justices,"<sup>4</sup> as they were called, were re-established; and two years afterwards, in the archonship of Antidotus,<sup>5</sup> in consequence of the great increase in the number of citizens, it was resolved, on the motion of Pericles, that no one should be admitted to the franchise who was not of citizen birth by both parents.

27. After this Pericles<sup>6</sup> assumed the position

<sup>1</sup> It is evident from ch. 7 that the eligibility to the archonship was never, strictly speaking, extended beyond this, though in practice members of the lowest order, the Thetes, often held the office.

<sup>2</sup> The archonship of Mnesitheides was in 457 B.C.; and as the death of Ephialtes was in 462 B.C., and it has just been stated that the alteration in the law was made five years later, it follows that a Zeugites was elected for the first year in which the members of that order were eligible.

<sup>3</sup> 453 B.C.

<sup>4</sup> See chapters 16 and 53.

<sup>5</sup> 451 B.C.

<sup>6</sup> It will be observed that Aristotle dates the leadership of Pericles from about 450 B.C., but it is probable that for some years past he had been the most prominent statesman in Athens. It is stated below that he prosecuted Cimon after the latter had been general, and the evidence of Plutarch places this event in 463 B.C. Pericles was then a young man, and it is clear from Aristotle that he did not take the prominent part in the over-

of popular leader, having first distinguished himself while still a young man by prosecuting Cimon on the audit of his official accounts as general. Under his auspices the constitution became still more democratic. He took away some of the privileges of the Areopagus, and, above all, he turned the policy of the state in the direction of naval dominion, which caused the masses to acquire confidence in themselves and consequently to take the conduct of affairs more and more into their own hands. Moreover, forty-eight years after the battle of Salamis, in the archonship of Pythodōrus,<sup>1</sup> the Peloponnesian war broke out, during which the populace was shut up in the city and became accustomed to gain its livelihood by military service, and so, partly voluntarily and partly involuntarily, determined to assume the administration of the state itself. Pericles was also the first to institute pay for service in the law-courts, as a bid for popular favour to counterbalance the wealth of Cimon. The latter, having private possessions of royal splendour, not only performed the regular public services<sup>2</sup> magnifi-

throw of the Areopagus which has commonly been assigned to him ; but he must have established the system of payment for service in the law-courts some little time before the death of Cimon, which occurred in 449 B.C., and we find him commanding an expedition in the Crissean Gulf in 454 B.C. (Thuc. i. 111).

<sup>1</sup> 432-1 B.C. ; and as the war broke out four months before the end of Pythodorus' year of office (Thuc. ii. 2), the actual date falls in the spring of 431 B.C.

<sup>2</sup> Such as the equipment of a chorus for a tragedy, or the



cently, but also maintained a large number of his fellow-demesmen. Any member of the deme of Laciadae could go every day to Cimon's house and there receive a reasonable provision; and his estate was guarded by no fences, so that anyone who liked might help himself to the fruit from it. Pericles' private property was quite unequal to this magnificence, and accordingly he took the advice of Damonides of Oia (who was commonly supposed to be the person who prompted Pericles in most of his measures, and was therefore subsequently ostracised), which was that, as he was beaten in the matter of private possessions, he should make presents to the people from their own property; and accordingly he instituted pay for the members of the juries. Some persons accuse him of thereby causing a deterioration in the character of the juries, since it was always the inferior people who were anxious to submit themselves for selection as jurors, rather than the men of better position. Moreover, bribery came into existence after this, the first person to introduce it being Anytus, after his command at Pylus.<sup>1</sup> He was prosecuted by certain individuals on account of his loss of Pylus, but escaped by bribing the jury.

furnishing of the crew and fittings of a trireme, which were duties performed by the wealthier citizens at their own expense.

<sup>1</sup> Pylus was recaptured by the Spartans, owing to the neglect of Anytus to relieve it, in 411 B.C. Anytus was one of the leaders of the moderate aristocratical party (ch. 34), and one of the prosecutors of Socrates.

28. So long, however, as Pericles was leader of the people, things went tolerably well with the state ; but when he was dead there was a great change for the worse. Then for the first time did the people choose a leader who was of no reputation among men of good standing, whereas up to this time such men had always been found as leaders of the democracy. The first leader of the people,<sup>1</sup> in the very beginning of things, was Solon, and the second was Pisistratus, both of them men of birth and position. After the overthrow of the tyrants there was Cleisthenes, a member of the house of the Alcmeonidae ; and he had no rival opposed to him after the expulsion of the party of Isagoras. After this Xanthippus was the leader of the people, and Miltiades of the upper class. Then came Themistocles and Aristides,<sup>2</sup> and after them Ephialtes as leader of the people, and Cimon son of Miltiades of the wealthier class. Pericles followed as leader of the people, and Thucydides, who was connected by marriage with Cimon, of the opposition. After the death of Pericles, Nicias, who subsequently fell in

<sup>1</sup> It is evident that this designation "leader of the people" became a sort of semi-official title. There is no sufficient evidence that there was ever a regular process of appointment to the post ; but there was always some recognized chief of the democratical party to whom the name was given. The leader of the aristocratic party does not seem to have had any equally well recognized designation.

<sup>2</sup> Themistocles and Aristides were both of them leaders of the democracy, as is stated in ch. 23. It is a mistake to regard Aristides as an aristocratic leader.

Sicily, appeared as leader of the aristocracy, and Cleon son of Cleaenetus as that of the people. The latter seems, more than anyone else, to have been the cause of the corruption of the democracy by his wild undertakings ; and he was the first to use unseemly shouting and coarse abuse on the Bema,<sup>1</sup> and to harangue the people with his cloak girt up short about him, whereas all his predecessors had spoken decently and in order. These were succeeded by Theramenes son of Hagnon as leader of the one party, and the lyre-maker Cleophon of the people. It was Cleophon who first granted the two-obol donation for the theatrical performances,<sup>2</sup> and for some time he continued to give it ; but then Callicrates of Paeania ousted him by promising to add a third obol to the sum. Both of these persons were subsequently condemned to death ; for the people, even if they are deceived for a time, in the end generally come to detest those who have beguiled them into any unworthy action. After Cleophon the popular leadership was occupied successively by the men who chose to talk the biggest and pander the most to the tastes of the majority, with their eyes fixed only on the interests of the moment. The best

<sup>1</sup> The Bema was the platform or tribune from which orators spoke in the Athenian Assembly.

<sup>2</sup> Two obols was the price of a seat in the theatre ; and after the time of Cleophon (the date has hitherto been placed earlier, Plutarch appearing to assign the measure to Pericles) the necessary sum was provided, for all citizens who chose to apply for it, by the state.

statesmen at Athens, after those of early times, seem to have been Nicias, Thucydides, and Theramenes. As to Nicias and Thucydides, nearly everyone agrees that they were not merely men of birth and character, but also statesmen, and that they ruled the state with paternal care. On the merits of Theramenes opinion is divided, because it so happened that in his time public affairs were in a very stormy state. But those who give their opinion deliberately find him, not, as his critics falsely assert, overthrowing every kind of constitution, but supporting every kind so long as it did not transgress the laws ; thus showing that he was able, as every good citizen should be, to live under any form of constitution, while he refused to countenance illegality and was its constant enemy.

29. So long as the fortune of the war continued even, the Athenians preserved the democracy ; but after the disaster in Sicily, when the Lacedaemonians had gained the upper hand through their alliance with the king of Persia, they were compelled to abolish the democracy and establish in its place the constitution of the Four Hundred. The speech recommending this course before the vote was made by Melobius, and the motion was drawn up by Pythodorus, son of Epizelus ;<sup>1</sup> but the real argument which persuaded the majority was the belief that the king of Persia was more likely to form an alliance with

<sup>1</sup> Ἐπιζήλου, not Πολυζήλου, appears to be the proper supplement of the lacuna here.

them if they should establish an oligarchy. The motion of Pythodorus was to the following effect. The popular Assembly was to elect twenty persons, over forty years of age, who, in conjunction with the existing ten members of the Committee of Public Safety,<sup>1</sup> should take an oath that they would frame such proposals as they thought best for the state, and should then draw up proposals for the public safety. In addition, any other person was free to make any proposition he liked, so that the people might be able to choose the best of all the courses suggested to them. Cleitophon concurred with the motion of Pythodorus, but proposed that the committee should also investigate the ancient laws enacted by Cleisthenes when he created the democracy, in order that they might have these too before them before deciding on what was the best ; his suggestion being that the constitution of Cleisthenes was not really democratical, but closely akin to that of Solon. When the committee was elected, their first proposal was that the Prytanes<sup>2</sup> should be compelled to put to the vote any motion that was offered on behalf of the public safety. Next they abolished all indictments for illegal proposals, all impeachments and public prosecutions, in order that every Athenian should be free to give his counsel on

<sup>1</sup> This committee is probably the same as that which we know from Thucydides to have been appointed immediately after the news of the Sicilian disaster was received in Athens.

<sup>2</sup> See ch. 43.

the situation, if he chose ; and they decreed that if any person imposed a fine on any other for his acts in this respect, or prosecuted him or summoned him before the courts, he should, on an information being laid against him, be summarily arrested and brought before the generals, who should deliver him to the Eleven<sup>1</sup> to be put to death. After these preliminary measures, they drew up the constitution in the following manner. The revenues of the state were not to be spent on any purpose except the war. All magistrates should serve without remuneration, so long as the war should last, except the nine Archons and the Prytanes for the time being, who should each receive three obols a day. The general franchise was to be committed, so long as the war should last, to all Athenians who were most capable of serving the state personally or pecuniarily, to the number of not less than five thousand. This body was to have full powers, to the extent even of making treaties with whomsoever they willed ; and ten men, over forty years of age, were to be elected out of each tribe to draw up the list of the Five Thousand, after taking an oath on a full and perfect sacrifice.

30. These were the proposals put forward by the committee ; and when they had been ratified the Five Thousand<sup>2</sup> elected from their own

<sup>1</sup> See ch. 52.

<sup>2</sup> This mention of the Five Thousand appears to be in direct contradiction to the statement in ch. 32, that the Five Thousand were only nominally selected, which is also in accordance with the statement of Thucydides (viii. 92). There are two possible



number a hundred commissioners to draw up the constitution. They, on their appointment, drew up and produced the following propositions. There should be a Council, holding office for a year, consisting of men over thirty years of age, serving without pay. To this body should belong the Generals, the nine Archons, the Amphictyonic Registrar [Hieromnemon],<sup>1</sup> the Taxiarchs, the Hipparchs, the Phylarchs,<sup>2</sup> the commanders of garrisons, the Treasurers of Athena and the other gods, ten in number, the Hellenic Treasurers [Hellenotamiae],<sup>3</sup> the Treasurers of the other non-sacred moneys, to the number of twenty, the ten Commissioners of Sacrifices [Hieropoei] and the ten Superintendents of the mysteries. All these were to be appointed by

explanations : either all persons possessing the necessary qualification of being able to furnish arms were temporarily called the Five Thousand until the list of that body could be properly drawn up (thus the so-called Five Thousand which took over the government after the fall of the Four Hundred actually included all persons able to furnish arms); or the Five Thousand nominated by the hundred persons mentioned at the end of the last chapter was only a provisional body, and a fresh nomination was to be made when the constitution had been finally drawn up.

<sup>1</sup> This is the title of one of the two members sent by each Amphictyonic state to the general councils. He served as secretary, while the other, the Pylagoras, was the actual representative of his state.

<sup>2</sup> For these military officers see ch. 61.

<sup>3</sup> These were the officers appointed to receive the contributions of the allied states of the Confederacy of Delos, or, as these states subsequently became, the subject-allies of the Athenian empire. After the loss of the empire by the result of the Peloponnesian war these officers were no longer required, and consequently ceased to exist.

the Council from a larger number of selected candidates, chosen from its members for the time being. The other offices were all to be filled by lot, and not from the members of the Council. The Hellenic Treasurers who actually administered the funds were not to be members of the Council.<sup>1</sup> As regards the future, four Councils were to be created, of men of the age already mentioned, and one of these was to be chosen by lot to take office at once, while the others were to receive it in turn, in the order decided by the lot. For this purpose the hundred commissioners were to distribute themselves and all the rest<sup>2</sup> as equally as possible into four parts, and cast lots for precedence, and the selected body should hold office for a year. They were to administer that office as seemed to them best, both with reference to the safe custody and due expenditure of the finances, and generally with all other matters to the best of their ability. If they desired to take a larger number of persons into counsel, each member might call in one assistant of his own choice, subject to the same qualification of age. The Council was to sit once every five days, unless there was any special need for more frequent sittings. The

<sup>1</sup> If this is not to be taken as directly contradicting the statement made just above, it must be supposed that the actual handling of the money was confined to a few of the *Hellenotamiae* (probably in rotation), the duties of the rest being to advise and superintend.

<sup>2</sup> *i.e.*, apparently, all the rest of the Five Thousand who were over thirty years of age.

casting of the lot for the Council was to be held by the nine Archons ; votes on divisions were to be counted by five persons chosen by lot from the members of the Council, and of these one was to be selected by lot every day to act as president. These five persons were to cast lots for precedence between the parties wishing to appear before the Council, giving the first place to sacred matters, the second to heralds, the third to embassies, and the fourth to all other subjects ; but matters concerning the war might be dealt with, on the motion of the generals, whenever there was need, without balloting. Any member of the Council who did not enter the Council-house at the time named should be fined a drachma for each day, unless he was away on leave of absence from the Council.

31. Such was the constitution which they drew up for the time to come, but for the immediate present they devised the following scheme. There should be a Council of Four Hundred, as in the ancient constitution,<sup>1</sup> forty from each tribe, chosen out of candidates of more than thirty years of age, selected by the members of the tribes. This Council should appoint the magistrates and draw up the form of oath which they were to take ; and in all that concerned the laws, in the examination of official accounts, and in other matters generally, it might act according to its discretion. It must,

<sup>1</sup> *i.e.*, as in the constitution of Solon.

however, observe the laws that might be enacted with reference to the constitution of the state, and had no power to alter them nor to pass others. The generals should be provisionally elected from the whole body of the Five Thousand, but so soon as the Council came into existence it was to hold an examination of military equipments, and thereon elect ten persons, together with a secretary, and the persons thus elected should hold office during the coming year with full powers, and should have the right, whenever they desired it, of joining in the deliberations of the Council. The Five Thousand<sup>1</sup> was also to elect a single Hipparch and ten Phylarchs; but for the future the Council was to elect these officers according to the regulations above laid down. Neither these offices nor any others, except those of member of the Council and of General, might be held more than once, either by the first occupants or by their successors. With reference to the future distribution of the Four Hundred into the four successive sections, the hundred commissioners must divide them whenever the time comes for the citizens to join in the Council along with the rest.<sup>2</sup>

<sup>1</sup> The subject is not expressed in the original, but as it is stated that *in the future* the Council was to elect these officers, it seems certain that the provisional arrangement was that the Five Thousand should elect them, as in the case of the generals, the Council not being yet properly constituted.

<sup>2</sup> This sentence is obscure and possibly corrupt. The "four successive sections" are those mentioned in the preceding chapter. Probably the sense intended is that the division into

32. The hundred commissioners appointed by the Five Thousand drew up the constitution as just stated ; and after it had been ratified by the general voice, under the presidency of Aristomachus, the existing Council, that of the year of Callias,<sup>1</sup> was dissolved before it had completed its term of office. It was dissolved on the fourteenth day of the month Thargelion, and the Four Hundred entered into office on the twenty-first ; whereas the regular Council, elected by lot, ought to have entered into office on the fourteenth of Scirophorion.<sup>2</sup> Thus was the oligarchy established, in the archonship of Callias, just about a hundred years after the expulsion of the tyrants. The chief promoters of the revolution were Pisander, Antiphon, and Theramenes, all of them men of good birth and with high reputations for ability and judgment. When, however, this constitution had been established, the Five Thousand were only nominally selected, and the Four Hundred,

the four sections should take place so soon as the remaining citizens from whom the four Councils were to be drawn up (*viz.*, the members of the Five Thousand over thirty years of age) had been associated with the Four Hundred who formed the provisional Council ; *i.e.*, practically, so soon as the list of the qualified members of the Five Thousand was ready.

<sup>1</sup> Callias' year of office began in 412 B.C., and was now within two months of its end. The date of the entry of the Four Hundred into office is consequently in May, 411 B.C.

<sup>2</sup> Roughly equivalent to June, the last month of the official year at Athens. The "regular Council" means the Council which, in the ordinary course of things under the democracy, should have been elected by lot to succeed that belonging to the year of Callias.

together with the ten officers on whom full powers had been conferred, occupied the Council-house and really administered the government. They began by sending ambassadors to the Lacedaemonians proposing a cessation of the war on the terms of the *status quo*; but as the Lacedaemonians refused to listen to them unless they would also abandon their maritime empire, they broke off the negotiations.

33. For about four months the constitution of the Four Hundred lasted, and Mnasilochus held office as Archon of their nomination for two months of the year of Theopompus, who was Archon for the remaining ten. After the loss of the naval battle of Eretria,<sup>1</sup> however, and the revolt of the whole of Euboea except Orœum, the indignation of the people was greater than at any of the earlier disasters, since they drew far more supplies at this time from Euboea than from Attica itself.<sup>2</sup> Accordingly they deposed the Four Hundred and committed the management of affairs to the Five Thousand, who consisted of persons possessing a military equipment. At the same time they voted that pay should not be given for any public office. The persons chiefly responsible

<sup>1</sup> This is the engagement mentioned by Thucydides (viii. 95). A squadron of forty-two Peloponnesian ships, after threatening Piræus, where they hoped to find treacherous assistance, made for Euboea, to promote a revolt there. Thirty-six Athenian ships followed in great haste and much disorder, and were completely defeated, with a loss of twenty-two of their number.

<sup>2</sup> Owing to the occupation of Decelœa by the Spartans, which made the cultivation of Attica for the most part impossible.



for the revolution were Aristocrates and Theramenes, who disapproved of the action of the Four Hundred in retaining the direction of affairs entirely in their own hands, and referring nothing to the Five Thousand. The constitution of the state seems to have been admirable during this period, since it was a time of war and the franchise was in the hands of those who possessed a military equipment.<sup>1</sup>

34. The people, however, in a very short time deprived the Five Thousand of their monopoly of the franchise.<sup>2</sup> Then, six years after the overthrow of the Four Hundred, in the archonship of Callias of Angēlē,<sup>3</sup> the battle of Arginusæ took place, of which the results were, first, that the ten generals who had gained the victory were all <sup>4</sup> condemned by a single vote, owing to the

<sup>1</sup> This is an echo of the commendation which Thucydides expresses at greater length (viii. 97).

<sup>2</sup> Probably this event took place after the battle of Cyzicus, in 410 B.C., when the fleet, which was strongly democratical in its sympathies, returned to Athens.

<sup>3</sup> 406 B.C. This was, however, five years after the overthrow of the oligarchy, not six, so that Aristotle must have made a miscalculation.

<sup>4</sup> This is probably inexact. Two of the generals, Conon and Leon, can hardly have been included in the accusation, as Conon was blockaded in Mytilene and Leon is never mentioned in connection with either the battle or the trial. It is true that Aristotle says below that some of the condemned generals had not taken part in the battle, but if this had actually been the case, Xenophon could hardly have helped noticing it. Xenophon does expressly name the eight generals who were present at the battle, and states their positions in the Athenian line; and, of these eight, six stood their trial and were executed,

people being led astray by persons who aroused their indignation ; though, as a matter of fact, some of the generals had actually taken no part in the battle, and others were themselves picked up by other vessels.<sup>1</sup> Secondly, when the Lacedaemonians proposed to evacuate Decelea and make peace on terms of the *status quo*, although some of the Athenians supported this proposal, the majority refused to listen to them. In this they were led astray by Cleophon, who appeared in the Assembly drunk and wearing his breast-plate, and prevented peace being made, declaring that he would never accept peace unless the Lacedaemonians abandoned their claims on all the cities allied with them.<sup>2</sup> They mismanaged their opportunity then, and in a very short time they learnt their mistake. The next year, in the archonship of Alexias, they suffered the disaster of Aegospotami, the consequence of which was that Lysander became master of the city, and set up the Thirty as its governors. He did so in the following manner. One of the terms of peace stipulated that the state should be governed according to "the ancient constitution."

while the remaining two declined to return to Athens and were, no doubt, condemned in absence.

<sup>1</sup> And therefore were in no condition to be picking up the survivors on other disabled ships, for neglecting which they were condemned.

<sup>2</sup> Cleophon retorted against the Lacedaemonians the ground on which they had refused to accept the Athenian overtures in 411 B.C. (ch. 32) ; which, though perhaps logical, was hardly wise in the exhausted condition of Athens.

Accordingly the popular party tried to preserve the democracy, while that part of the upper class which belonged to the political clubs,<sup>1</sup> together with the exiles who had returned since the peace, desired an oligarchy, and those who were not members of any club, though in other respects they held a position in the state inferior to none, were anxious to restore the ancient constitution. The latter class included Archinus, Anytus, Cleitophon, Phormisius, and many others, but their most prominent leader was Theramenes. Lysander, however, threw his influence on the side of the oligarchical party, and the popular Assembly was compelled by sheer intimidation to pass a vote establishing the oligarchy. The motion to this effect was proposed by Dracontides of Aphidna.

35. In this way were the Thirty established in power, in the archonship of Pythodorus.<sup>2</sup> As soon, however, as they were masters of the city, they ignored all the resolutions which had been passed relating to the organization of the constitution,<sup>3</sup> but appointed a Council of Five Hundred and the other magistrates out of the thousand selected candidates,<sup>4</sup> associated with themselves

<sup>1</sup> *i.e.* the extreme oligarchs.

<sup>2</sup> The year 404-403 B.C.

<sup>3</sup> The Thirty were appointed avowedly to draw up a scheme for the constitution, just as the hundred commissioners mentioned in ch. 30 drew up the constitution of the Four Hundred. (*Xen. Hell.* II. iii. 2.)

<sup>4</sup> Or "out of candidates selected from the thousand"; but nothing is known about any such body, and the text is probably corrupt.

ten archons in Piraeus, eleven superintendents of the prison, and three hundred "lash-bearers" as attendants, and with the help of these they kept the city under their own control. At first, indeed, they behaved with moderation towards the citizens and pretended to administer the state according to the ancient constitution. In pursuance of this policy they took down from the hill of Areopagus the laws of Ephialtes and Archestratus relating to the Areopagite Council; they also repealed such of the statutes of Solon as were obscure,<sup>1</sup> and abolished the supreme power of the law-courts. In this they claimed to be restoring the constitution and freeing it from obscurities; as, for instance, by making the testator free once for all to leave his property as he pleased, and abolishing the existing limitations in cases of insanity, old age, and undue female influence, in order that no opening might be left for professional accusers.<sup>2</sup> In other matters also their conduct was similar. At first, then, they acted on these lines, and they destroyed the professional accusers and those

<sup>1</sup> See ch. 9.

<sup>2</sup> Solon's law allowed a man who had no legitimate children to leave his property as he chose, provided his will was made while he was of sound mind and subject to no undue influence. These provisions were reasonable enough in themselves, but a class of hangers-on of the law-courts had sprung up, who made a profession of challenging the legality of testamentary dispositions on these grounds, no doubt in the hope of extorting money. In order to put an end to this trade the Thirty abolished the qualifications in the law of Solon on which they were based.

mischievous and evil-minded persons who, to the great detriment of the democracy, had attached themselves to it in order to curry favour with it. With all of this the city was much pleased, and thought that the Thirty were doing it with the best of motives. But so soon as they had got a firmer hold on the city, they spared no class of citizens, but put to death any persons who were eminent for wealth or birth or character. Herein they aimed at removing all whom they had reason to fear, and they also wished to lay hands on their possessions ; and in a short time they put to death not less than fifteen hundred persons.

36. Theramenes, however, seeing the city thus falling into ruin, was displeased with their proceedings, and counselled them to cease such unprincipled conduct and let the better classes have a share in the government. At first they opposed his suggestions, but when his proposals came to be known abroad, and the masses began to be on friendly terms with him, they were seized with alarm lest he should make himself a popular leader and destroy their despotic power. Accordingly they drew up a list of three thousand<sup>1</sup> citizens, to whom they proposed to give a share in the constitution. Theramenes, however, criticised this scheme also, first on the ground that, while proposing to give all respectable citi-

<sup>1</sup> The MS. says two thousand, but this must be a copyist's error, as the Three Thousand is mentioned immediately below, and that number is confirmed by the other authorities.

zens a share in the constitution, they were actually giving it only to three thousand persons, as though all merit were confined within that number; and secondly because they were doing two inconsistent things, since they made the government rest on the basis of force, and yet made the governors inferior in strength to the governed. However, they took no notice of his criticisms, and for a long time put off the publication of the list of the Three Thousand and kept to themselves the names of those who had been placed upon it; and whenever they did decide to publish it they proceeded to strike out some of those who had been included in it, and insert others from outside.

37. Now when winter had set in, Thrasybūlus and the exiles occupied Phylē, and the force which the Thirty led out to attack them met with a reverse. Thereupon the Thirty decided to disarm the bulk of the population and to get rid of Theramenes; which they did in the following way. They introduced two laws into the Council, which they commanded it to pass; the first of them gave the Thirty absolute power to put to death any citizen who was not included in the list of the Three Thousand, while the second disqualified all persons from participation in the franchise who should have assisted in the demolition of the fort of Eëtioneia,<sup>1</sup> or

<sup>1</sup> The Four Hundred had begun to build this fort, which commanded the entrance to the Piræus, in the later days of their rule; but Theramenes and others of the moderate party, sus-



have acted in any way against the Four Hundred or against those who had organized the previous oligarchy. Theramenes had done both, and accordingly, when these laws were ratified, he became excluded from the franchise and the Thirty had full power to put him to death.<sup>1</sup> Theramenes having been thus removed, they disarmed all the people except the Three Thousand, and in every respect showed a great advance in cruelty and crime. They also sent ambassadors to Lacedaemon to blacken the character of Theramenes and to ask for help; and the Lacedaemonians, in answer to their appeal, sent Callibius as harmost<sup>2</sup> with about seven hundred troops, who came and occupied the Acropolis.

38. These events were followed by the occupation of Munychia by the exiles from Phyle, and their victory over the Thirty and their partisans. After the fight the party of the city retreated, and next day they held a meeting in the market-place and deposed the Thirty, and elected ten citizens, on whom they conferred full powers to bring the war to a termination. When, however, the Ten had taken over the

pecting that it was intended to enable the oligarchs to betray the port to the Spartans, incited the populace to destroy it. This was one of the most serious blows dealt to the power of the Four Hundred.

<sup>1</sup> This is quite different from Xenophon's dramatic account of the totally illegal arrest and execution of Theramenes.

<sup>2</sup> The title of the military governors sent by Sparta to various cities during the time of her supremacy.

government they did nothing towards the object for which they were elected, but sent envoys to Lacedaemon to ask for help and to borrow money. Further, finding that those who possessed the franchise were displeased at their proceedings, they were afraid lest they should be deposed, and consequently, in order to strike terror into them (in which design they succeeded), they arrested Demarētus, one of the most eminent citizens, and put him to death. This gave them a firm hold on the government, and they also had the support of Callibius and his Peloponnesians, together with several of the Knights ; for some of the members of this class were the most zealous among the citizens to prevent the return of the exiles from Phyle. When, however, the party in Piraeus and Munychia began to gain the upper hand in the war, through the defection of the whole people to them, the party in the city deposed the original Ten, and elected another Ten,<sup>1</sup> consisting of the men who possessed the highest character. Under their administration, and with their active and zealous co-operation, the treaty of reconciliation was made and the democracy returned to the city.

<sup>1</sup> No other authority seems to distinguish between these two boards of Ten. Practically, the rule of the first is ignored, and only that of the second, which brought the war to a conclusion, is recognized ; but the appointment of this board is assigned to the days immediately following the defeat of the Thirty, and it is not recognized that a considerable time, apparently about six months, elapsed between this event and the restoration of the democracy.

The most prominent members of this board were Rhinon of Paeania and Phayllus of Acherdus, who, even before the arrival of Pausanias, opened negotiations with the party in Piraeus, and after his arrival seconded his efforts to bring about the return of the exiles. For it was Pausanias, the king of the Lacedaemonians, who brought the peace and reconciliation to a fulfilment, in conjunction with the ten commissioners of arbitration who arrived later from Lacedaemon, chiefly at his earnest request. Rhinon and his colleagues received a vote of thanks for the good will shown by them to the democracy, and though they received their charge under an oligarchy and handed in their accounts under a democracy, no one, either of the party that had stayed in the city or of the exiles that had returned from the Piraeus, brought any complaint against them. On the contrary, Rhinon was immediately elected general on account of his conduct in this office.

39. The following were the terms on which the reconciliation was effected, in the archonship of Eucleides.<sup>1</sup> All persons who, having remained in the city during the troubles, were now anxious to leave it, were to be free to settle at Eleusis, retaining their civil rights and possessing full and independent powers of self-government, and with the free enjoyment of their own personal property. The temple at Eleusis should be common ground for both parties, and should be under

<sup>1</sup> *i.e.*, late in the summer of 403 B.C.

the superintendence of the Ceryces and the Eumolpidae,<sup>1</sup> according to primitive custom. The settlers at Eleusis should not be allowed to enter Athens, nor the people of Athens to enter Eleusis, except at the season of the mysteries, when both parties should be free from these restrictions. The secessionists should pay their share to the fund for the common defence out of their revenues, just like all the other Athenians. If any of the seceding party wished to take a house in Eleusis, the people would help them to obtain the consent of the owner; but if they could not come to terms, they should appoint three valuers on either side, and the owner should receive whatever price they should appoint. Of the inhabitants of Eleusis, those whom the secessionists wished to remain should be allowed to do so. The list of those who desired to secede should be made up within seven days after the taking of the oaths in the case of persons already in the country, and their actual departure should take place within twenty days; persons at present out of the country should have the same terms allowed to them after their return. No one who settled at Eleusis should be capable of holding any office in Athens until he should again be inscribed on the roll as a resident in the city. Trials for homicide, including all cases in which one party had

<sup>1</sup> The Ceryces (or Heralds) and Eumolpidae were two ancient Athenian families, who from the earliest times had retained the duty of superintending the Eleusinian mysteries. See ch. 57.

either killed or wounded another, should be conducted according to the primitive fashion.<sup>1</sup> There should be an universal amnesty concerning past events towards all persons, except the Thirty, the Ten, the Eleven, and the magistrates in Piræus ; and these too should be included if they should submit their accounts in the usual way. Such accounts should be given by the magistrates in Piræus before a court of citizens rated in Piræus, and by the magistrates in the city before a court of those rated in the city.<sup>2</sup> On these terms those who wished to do so might secede. Each party was to repay separately the money which it had borrowed for the war.

40. When the reconciliation had taken place on these terms, those who had fought on the side of the Thirty felt considerable apprehensions, and a large number intended to secede. But as they put off entering their names till the last moment, as people will do, Archinus, observing their numbers, and being anxious to retain them as citizens, cut off the remaining days during which the list should have remained open ; and in this way many persons were compelled to remain, though they were very unwilling to do so until they recovered confidence. This is one point in which Archinus appears to have acted in a most statesmanlike manner, and another was his prosecution of Thrasybulus on

<sup>1</sup> The reading of this passage is rather doubtful.

<sup>2</sup> The exact reading of this passage also is doubtful, but the general sense appears to be that here given.



the charge of illegality, for a motion by which he proposed to confer the franchise on all who had taken part in the return from Piraeus, although some of them were notoriously slaves. And yet a third such action was when one of the returned exiles began to violate the amnesty, whereupon Archinus haled him to the Council and persuaded them to execute him without trial, telling them that now they would have to show whether they wished to preserve the democracy and abide by the oaths they had taken ; for if they let this man escape they would encourage others to imitate him, while if they executed him they would make an example for all to learn by. And this was exactly what happened ; for after this man had been put to death no one ever again broke the amnesty. On the contrary, the Athenians seem, both in public and in private, to have behaved in the most unprecedentedly admirable and public-spirited way with reference to the preceding troubles. Not only did they blot out all memory of former offences, but they even repaid to the Lacedaemonians out of the public purse the money which the Thirty had borrowed for the war, although the treaty required each party, the party of the city and the party of Piraeus, to pay its own debts separately. This they did because they thought it was a necessary first step in the direction of restoring harmony ; but in other states, so far from the democratic parties making advances from their own possessions,



they rather make a general re-distribution of the land. A further reconciliation was made with the secessionists at Eleusis two years after the secession, in the archonship of Xenaenētus.<sup>1</sup>

41. This, however, took place at a later date ; at the time of which we are speaking the people, having secured the control of the state, established the constitution which exists at the present day. Pythodōrus was archon at the time, but the democracy seems to have assumed the supreme power with perfect justice, since it had effected its own return by its own exertions.<sup>2</sup> This was the eleventh change which had taken place in the constitution of Athens. First of all came the original establishment by Ion and those who assisted him in forming the settlement, when the people was first divided into the four tribes, and the tribe-kings were created. Next, and the first organization of the constitution following this,<sup>3</sup> was that which took place in the reign of Theseus, consisting in a slight deviation from absolute monarchy. After this came the constitution formed under Draco, when

<sup>1</sup> 401 B.C. The date of this event has not hitherto been known accurately, and it has generally been placed earlier.

<sup>2</sup> There is some doubt whether the text here is not corrupt. There is no natural contrast between the fact that Pythodorus was archon and the assumption of the control of the state by the democracy, since the archon had for a long time been nothing more than a figure-head.

<sup>3</sup> This is the first of the eleven changes to which Aristotle has just referred. The constitution of Ion is not reckoned in the enumeration, since it was the original establishment and not a change.

the first code of laws was drawn up. The third was that which followed the civil war, in the time of Solon ; from this the democracy took its rise. The fourth was the tyranny of Pisistratus ; the fifth the constitution of Cleisthenes, after the overthrow of the tyrants, of a more democratic character than that of Solon. The sixth was that which followed on the Persian wars, when the Council of Areopagus had the direction of the state. The seventh, succeeding this, was the constitution which Aristides sketched out, and which Ephialtes brought to completion by overthrowing the Areopagite Council ; under this the nation, misled by the demagogues, made the most serious mistakes on account of its maritime empire. The eighth was the establishment of the Four Hundred, followed by the ninth, the restored democracy. The tenth was the tyranny of the Thirty and the Ten. The eleventh was that which followed the return from Phyle and Piraeus ; and this has continued from that day to this, with continual accretions of power to the masses. The democracy has made itself master of everything and administers everything by its votes in the Assembly and by the law-courts, in which it holds the supreme power. Even the jurisdiction of the Council has passed into the hands of the people at large ; and this appears to be a judicious change, since small bodies are more open to corruption, whether by actual money or by influence, than large ones. At first they refused to allow pay-

ment for attendance at the Assembly; but the result was that people did not attend. Consequently, after the Prytanes had tried many devices in vain in order to induce the populace to come and ratify the votes, Agyrrhius,<sup>1</sup> in the first instance, made a provision of one obol a day, which Heracleides of Clazomenae,<sup>2</sup> nicknamed "the king," increased to two obols, and Agyrrhius again to three.

42. The present state of the constitution is as follows.<sup>3</sup> The franchise is open to all who are of citizen-birth by both parents. They are enrolled among the demesmen at the age of eighteen. On the occasion of their enrolment the demesmen give their votes on oath, first as to whether they appear to be of the age prescribed by the law (if not, they are dismissed back into the ranks of the boys), and secondly as to whether the candidate is free born and of

<sup>1</sup> Agyrrhius was a politician of no very great repute, who flourished at the end of the fifth century and in the early part of the fourth. It is clear from many allusions in the *Ecclesiazusae* of Aristophanes that the rate of pay had been raised to three obols shortly before the performance of that play in 392 B.C.; and the first establishment of payment for attendance at the Assembly cannot be placed many years before that date.

<sup>2</sup> Heracleides is only known otherwise by a mention in the *Ion* attributed to Plato, in which he is referred to as a foreigner who had held office at Athens.

<sup>3</sup> Here begins the second part of the treatise, in which the author describes the constitution as it existed in his own day, three-quarters of a century after the events last recorded.

such parentage as the laws require. Then if they decide that he is not a free man, he appeals to the law-courts, and the demesmen appoint five of their own number to act as accusers ; and if the court decides that he has no right to be enrolled, he is sold by the state as a slave, but if he wins his case he has a right to be enrolled among the demesmen without further question. After this the Council examines those who have been enrolled, and if it comes to the conclusion that any of them is less than eighteen years of age, it fines the demesmen who enrolled him. When the youths [Ephēbi] have passed this examination, their fathers meet by their tribes, and appoint on oath three of their fellow tribesmen, over forty years of age, who, in their opinion, are the best and most suitable persons to have charge of the youths ; and of these the Assembly elects one from each tribe as guardian, together with a director, chosen from the general body of Athenians, to control the whole. These persons take charge of the youths, and first of all they make the circuit of the temples ; then they proceed to Piræus, and some of them garrison Munychia and some the south shore.<sup>1</sup> The Assembly also elects two trainers, with subordinate instructors, who teach them to fight in heavy armour, to use the bow and javelin, and to discharge a catapult. The guardians receive from the state a drachma apiece for

<sup>1</sup> Ἀκτὴ = the southern side of Piræus.

their keep, and the youths four obols apiece. Each guardian receives the allowance for all the members of his tribe and buys the necessary provisions for the common stock (they mess together by tribes), and generally superintends everything. In this way they spend the first year. The next year, when the Assembly is held in the theatre,<sup>1</sup> after giving a public display of their military evolutions, they receive a shield and spear from the state ; after which they patrol the country and spend their time in the forts. For these two years they are on garrison duty, and wear the military cloak, and during this time they are exempt from all taxes. They also can neither bring an action at law, nor have one brought against them, in order that they may have no excuse for requiring leave of absence ; though exception is made in cases of actions concerning inheritances and wards of state,<sup>2</sup> or of any sacrificial ceremony connected

<sup>1</sup> This was on the occasion of the great Dionysiac festival in each year, when the whole people was gathered together in the theatre, together with numbers of visitors from foreign countries.

<sup>2</sup> When a man died leaving a daughter, but no son, his estate, though not becoming her property, was attached to her, and the nearest of kin could claim her in marriage ; and the property went to the sons born of such marriage. If she was poor, the nearest of kin was obliged either to marry her or to provide her with a dowry. If there were more daughters than one, the estate seems to have been divided among them under similar conditions. These heiresses were under the special protection of the archon (see ch. 56), and may therefore be described as wards of state.

with the family.<sup>1</sup> When the two years have elapsed they at once take their position among the other citizens. Such is the manner of the enrolment of the citizens and the training of the youths.

43. All the magistrates that are concerned with the ordinary routine of administration are elected by lot, except the Military Treasurer, the Commissioners of the Theoric fund,<sup>2</sup> and the Superintendent of Springs.<sup>3</sup> These are elected by vote, and the magistrates thus elected hold office from one Panathenaic festival to another.<sup>4</sup> All military officers are also elected by vote.

The Council of Five Hundred is elected by lot, fifty from each tribe. Each tribe holds the office of Prytanes in turn, the order being determined by lot; the first four serve for thirty-six days each, the last six for thirty-five, since the reckoning is

<sup>1</sup> Only members of the older houses belonged to "families" in the technical sense, these being one of the earliest subdivisions of the population of Attica, and having sacrificial observances connected with them. See ch. 27, where it is said that Cleisthenes, though breaking up the old tribal organization and introducing new citizens, allowed the families and the sacrificial observances to remain according to the ancient system.

<sup>2</sup> This was the fund which provided the populace with the price of admission to the theatre (and, eventually, with something in addition) at the festivals.

<sup>3</sup> Athens was scantily supplied with fresh water, and consequently this officer was of some importance.

<sup>4</sup> The Panathenaic festival was at the end of the first month of the Attic year (July). The other magistrates probably came into office at the beginning of that month; the archons certainly did so.



by lunar years.<sup>1</sup> The Prytanes for the time being, in the first place, mess together in the Tholus,<sup>2</sup> and receive a sum of money from the state for their maintenance ; and, secondly, they convene the meetings of the Council and the Assembly. The Council they convene every day, unless it is a holiday, the Assembly four times in each prytany. It is also their duty to draw up the programme of the matters with which the Council has to deal, and to decide what subjects are to be dealt with on each particular day, and where it is to sit.<sup>3</sup> They also draw up the programme for the meetings of the Assembly. One of these in each prytany is called the "sovereign" Assembly ; in this the people have to ratify the continuance of the magistrates in office, if they are performing their duties properly, and to consider the supply of corn and the defence of the country. On this day, too, impeachments are introduced by those who wish to do so, the lists of property confiscated by the state are read, and also applications for inheritances and wards of

<sup>1</sup> The ordinary Attic year was of 354 days, divided into twelve lunar months of thirty and twenty-nine days alternately. The deficiency was made up by inserting intercalary months, at first every alternate year, then three in eight years, and subsequently seven in nineteen. In an intercalary year the duration of the prytanies was thirty-nine and thirty-eight days, in place of thirty-six and thirty-five.

<sup>2</sup> The official residence of the Prytanes, supposed to represent the centre of the public life of Athens.

<sup>3</sup> Reading ὅπου καθεύδουσιν.

state,<sup>1</sup> so that nothing may pass without the cognizance of any person concerned. In the sixth prytany, in addition to the business already stated, the question is also put to the vote whether it is desirable to hold a vote of ostracism or not; and complaints against professional accusers, whether Athenian or aliens domiciled in Athens, are received, to the number of not more than three of either class, together with cases in which an individual has made some promise to the people and has not performed it. Another Assembly in each prytany is assigned to suppliants, and at this meeting anyone is free, on depositing the suppliant's olive-branch, to speak to the people concerning any matter, public or private. The two remaining meetings are devoted to all other subjects, and the laws require them to deal with three questions connected with religion, three connected with heralds and embassies, and three on secular subjects. Sometimes questions are brought forward without a preliminary vote of the Assembly to take them into consideration. Heralds and envoys, too, appear first before the Prytanes, and the bearers of despatches also deliver them to the same officials.

44. There is a single President of the Prytanes, elected by lot, who presides for a night and a

<sup>1</sup> If there was no direct heir, the next of kin had to apply to the state, in the person of the archon, to have his claim recognized. The claims on wards of state have been mentioned in note 2, p. 79.

day ; he may not hold the office for more than that time, nor may the same individual hold it twice. He keeps the keys of the sanctuaries in which the treasures and public records of the state are preserved, and also the public seal ; and he is bound to remain in the Tholus, together with one third of the Prytanes, named by himself. Whenever the Prytanes convene a meeting of the Council or Assembly, he appoints by lot nine Proedri, one from each tribe except that which holds the office of Prytanes for the time being ; and out of these nine he similarly appoints one as President, and hands over the programme for the meeting to them. They take it and see to the preservation of order, and put forward the various subjects which are to be considered, decide the results of the votings, and direct the proceedings generally.<sup>1</sup> They also have power to dismiss the meeting. No one may act as President more than once in the year, but he may be a Proedrus once in each prytany. Elections to the offices of General and Hipparch and all other military posts are held in the Assembly, in such manner as the people decide ; and they are held after the sixth prytany by the first board of Prytanes in whose term of office the omens are favourable. There has, however, to be a

<sup>1</sup> In the fifth century it appears that the Prytanes themselves acted as presidents at meetings of the Council and Assembly ; but in the fourth century the Proedri appear to have been instituted, as here described.

preliminary consideration by the Council in this case also.<sup>1</sup>

45. In former times the Council had full powers to inflict fines and imprisonment and death; and it was when it had dragged off Lysimachus<sup>2</sup> to the executioner, and he was sitting in the immediate expectation of death, that Eumelides of Alopēcē deprived it of its powers,<sup>3</sup> maintaining that no citizen ought to be put to death except after a hearing by a court of law.<sup>4</sup> Accordingly a trial was held in a law-court, and Lysimachus was acquitted, receiving henceforth the nickname of "the man from the drum-head";<sup>5</sup> and the people deprived the Council thenceforward of the power to inflict death or imprisonment or fine, passing a law that if the Council condemn any person for an offence or inflict a fine, the Thesmothetae shall bring the sentence or fine before the law-court, and the decision of the jurors shall be the final judgment in the matter. The Council passes judgment on nearly all magistrates, especially

<sup>1</sup> As in all business submitted to the Assembly: see the end of the next chapter.

<sup>2</sup> This person cannot be identified with certainty, nor is the story here related of him otherwise known.

<sup>3</sup> Or "rescued him from its hands."

<sup>4</sup> It should be observed that throughout the treatise a "law-court" (δικαστήριον) always means one of the large popular jury-courts described on p. 15, note 1.

<sup>5</sup> This, though verbally close to the original, is rather a paraphrase than a translation. The original apparently denotes that Lysimachus was about to be executed by the method of beating or bastinadoing to death.

those who have the control of money ; its judgment, however, is not final, but is subject to an appeal to the law-courts. Private individuals, also, may impeach any magistrate they please for not obeying the laws, but here too there is an appeal to the law-courts if the Council declare the charge proved. The Council also examines those who are to be its members for the ensuing year, and also the nine Archons.<sup>1</sup> Formerly the Council had full power to reject candidates for office as unsuitable, but now these too have an appeal to the law-courts. In all these matters, therefore, the Council has no final jurisdiction. It has, however, a preliminary consideration of all matters brought before the Assembly, and the Assembly cannot vote on any question unless it has first been considered by the Council and placed on the programme by the Prytanes ; since a person who carries a motion in the Assembly is liable to an action for illegal proposal on these grounds.

46. The Council also superintends the triremes that are already in existence, with their tackle and sheds,<sup>2</sup> and builds new triremes or quadriremes,<sup>3</sup> whichever the Assembly votes,

<sup>1</sup> See ch. 55.

<sup>2</sup> *i.e.*, the sheds in which the ships were laid up when in dock.

<sup>3</sup> Quadriremes (as Mr. C. Torr has pointed out) were first built at Athens a few years before 330 B.C., and in 325 B.C. they began to build quinqueremes. As the latter are not mentioned here, we seem to get a lower limit of date for the composition (or revision) of the treatise. The upper limit is fixed in ch. 54 as 329 B.C.

with tackle and sheds to match. The Assembly appoints master-builders for the ships by vote ; and if they do not hand them over completed to the next Council, the old Council<sup>1</sup> cannot receive the customary donation,—that being normally given to it during its successor's term of office. For the building of the triremes it appoints ten ship-builders, chosen out of the whole body of the people. The Council also inspects all public buildings, and if it is of opinion that the state is being defrauded, it reports the culprit to the Assembly, and after itself condemning him hands him over to the law-courts.

47. The Council also co-operates with the other magistrates in most of their duties. First there are the treasurers of Athena,<sup>2</sup> ten in number, elected by lot, one from each tribe. According to the law of Solon—which is still in force—they must be Pentacosiomedimni, but in point of fact the person on whom the lot falls holds the office even though he be quite a poor man. These officers take over charge of the statue of Athena, the figures of Victory and all the other ornaments of the temple, together with the money, in the presence of the Council. Then

<sup>1</sup> Grammatically the subject of this sentence should be the master-builders, but we know from the speech of Demosthenes against Androtion that the Council received a donation of a golden crown, which was withheld if it did not hand over its quota of new triremes to its successor ; and his language is so exactly parallel to that which is used by Aristotle that it is difficult to believe that they are not speaking of the same custom.

<sup>2</sup> Each of the temples seems to have possessed a treasury, but that of the temple of Athena was by far the most important.



there are the Commissioners for Public Contracts [Polētae], ten in number, one elected by lot from each tribe. These officers farm out the public contracts and lease the mines, and, in conjunction with the military treasurer and the commissioners of the Theoric fund, confirm the farming out of taxes, in the presence of the Council, to the persons whom the latter appoints; also the mines which are let out by the state, including both the workable ones, which are let for three years, and those which are let under special agreements for [three?] years.<sup>1</sup> They also sell, in the presence of the Council, the property of those who have gone into exile from a sentence of the Areopagus, and of state-debtors;<sup>2</sup> and the nine Archons ratify the contracts. They also hand over to the Council lists of the taxes which are farmed out for the year, entering on whitened tablets the name of the lessee and the amount paid. They make separate lists, first of those who have to pay their instalments in each prytany, on ten several tablets, next of those who pay thrice in the year,<sup>3</sup> with a separate tablet for each instalment, and finally of those who pay in the ninth prytany. They also draw up a list of farms and dwellings which

<sup>1</sup> This is the apparent reading of the passage, but the MS. is considerably damaged in this part. The rest of this chapter is much mutilated, and the sense cannot in all cases be supplied with certainty.

<sup>2</sup> The MS. appears to have ὀφειλετῶν.

<sup>3</sup> Adopting the supplement of Dr. Sandys and the other editors, τρίς, instead of τέλει.

have been confiscated and sold, and place it in the law-court ; for these too come within their province. In the case of dwellings the value must be paid up in five years, and in that of farms, in ten. The instalments are paid in the ninth prytany. Further, the King-archon brings before the Council the leases of the sacred enclosures, written on whitened tablets. These too are leased for ten years, and the instalments are paid in the [ninth] prytany ; consequently it is in this prytany that the greatest amount of money is collected. The tablets containing the lists of the instalments are carried into the Council, and the public clerk takes charge of them. Whenever a payment of instalments is to be made he takes from the pigeon-holes<sup>1</sup> the precise list of the sums which are to be paid and struck off on that day, and delivers it to the Receivers-General. The rest are kept apart, in order that no sum may be struck off before it is paid.

48. There are ten Receivers-General [Apodectæ], elected by lot, one from each tribe. These officers receive the tablets, and strike off the instalments as they are paid, in the presence of the Council in the Council-chamber, and give the tablets back to the public clerk. If anyone fails to pay his instalment, a note is made of it from this record ; and he is bound to pay double the amount of the deficiency, or, in default, to be imprisoned. The Council has full power by

<sup>1</sup> The exact meaning of the word here (following Dr. Sandys) translated "pigeon-holes," is doubtful.

the laws to exact these payments and to inflict this imprisonment. They receive the money, therefore, on one day, and portion it out among the magistrates; and on the next day they bring up the report of the apportionment, written on a wooden notice-board, and read it out in the Council-chamber, after which they ask publicly in the Council whether anyone knows of any malpractice in reference to the apportionment, on the part of either a magistrate or a private individual, and if anyone is charged with malpractice they put the question to the vote.

The Council also elects ten Auditors [*Logistae*] by lot from its own members, to audit the accounts of the magistrates for each prytany. They also elect one Examiner of Accounts [*Euthūnus*] by lot from each tribe, with two assessors [*Paredri*] for each examiner, whose duty it is to sit on the days of the tribal meetings,<sup>1</sup> each opposite the statue of the eponymous hero of his tribe; and if anyone wishes to prefer a charge, on either public or private grounds, against any magistrate who has passed his audit before the law-courts, within three days of his having so passed, he enters on a whitened tablet his own name and that of the magistrate prosecuted, together with the malpractice that is alleged against him. He also appends his claim for a penalty of such amount as seems to him fitting, and gives in the record to

<sup>1</sup> Each tribe held periodical meetings for the transaction of tribal business.

the Examiner. The latter takes it and hears the charge,<sup>1</sup> and if he considers it proved he hands it over, if a private case, to the local justices who introduce cases<sup>2</sup> for the tribe concerned, while if a public case he enters it on the register of the Thesmothetae. Then, if the Thesmothetae accept it, they bring the accounts of this magistrate once more before the law-court, and the decision of the jury stands as the final judgment.

49. The Council also examines the horses belonging to the state. If a man who has a good horse is found to keep it in bad condition, he is mulcted in his allowance of corn; while those which cannot keep up or which are too unmanageable to keep their place in the rank, it brands with a wheel on the jaw, and the horse so marked is disqualified for service. It also examines those who appear to be fit for service as scouts, and anyone whom it rejects is deprived of his horse. It also examines the infantry who serve among the cavalry,<sup>3</sup> and

<sup>1</sup> Reading *ἀναφύλας*, after Dr. Sandys.

<sup>2</sup> All cases had to be brought before the courts by some magistrate. Several instances in which one of the archons, or the thesmothetae collectively, or the arbitrators, or some other magistrate, performed this function for specific classes of cases are mentioned in the following chapters.

<sup>3</sup> The MS. reading, *ἀνίππους*, could only mean unmounted couriers; but the correction *ἀμύππους*, as Mr. Newman suggests, is easy. This means infantry who fought among the ranks of the cavalry. The *πρόδρομοι* above are also a military body, meaning light cavalry who acted as advance guard or skirmishers. There was a special corps so named in the army of Alexander.

anyone whom it rejects ceases to receive his pay. The roll of the cavalry is drawn up by the Commissioners of Enrolment [Catalögeis], ten in number, elected by the Assembly by open vote. They hand over to the Hipparchs and Phylarchs the list of those whom they have enrolled, and these officers take it and bring it up before the Council, and there open the tablet in which the names of the cavalry<sup>1</sup> are sealed up. If any of those who have been on the roll previously make affidavit that they are physically incapable of cavalry service, they strike them out ; then they call up the persons newly enrolled, and if anyone makes affidavit that he is either physically or pecuniarily incapable of cavalry service they dismiss him, but if no such affidavit is made the Council votes whether the individual in question is suitable for the purpose or not. If they vote in the affirmative his name is entered on the tablet ; if not, he is dismissed with the others.

Formerly the Council used to decide on the plans for public buildings and the contract for making the robe of Athena ;<sup>2</sup> but now this work is done by a jury in the law-courts appointed by lot, since the Council was considered to have shown favouritism in its decisions. The Council

<sup>1</sup> *i.e.*, the names of those already in the cavalry, before the new enrolment.

<sup>2</sup> This was the robe which was carried in procession at the great Panathenaic festival. It was embroidered with mythological subjects, and was woven on each occasion by a number of girls, under the superintendence of two of superior family.

also has a share in the superintendence of the manufacture of the images of Victory and the prizes at the Panathenaic festival, in conjunction with the Military Treasurer.

The Council also examines infirm paupers ; for there is a law which enacts that persons possessing less than three minas, who are so crippled as not to be able to do any work, are, after examination by the Council, to receive two obols a day from the state for their support. A treasurer is appointed by lot to attend to them.

The Council also, speaking broadly, co-operates in most of the duties of all the other magistrates ; and this ends the list of the functions of that body.

50. There are ten Commissioners for Repairs of Temples, elected by lot, who receive a sum of thirty minas from the Receivers-General, and therewith carry out the most necessary repairs in the temples.

There are also ten City Commissioners [*Astynōmi*], of whom five hold office in Piraeus and five in the city. Their duty is to see that female flute- and harp- and lute-players are not hired at more than two drachmas, and if more than one person is anxious to hire the same girl, they cast lots and hire her out to the person to whom the lot falls. They also provide that no collector of sewage shall shoot any of his sewage within ten stadia of the walls ; they prevent people from blocking up the streets by building, or stretching



barriers across them, or making drain-pipes in mid-air with a discharge into the street, or having doors<sup>1</sup> which open outwards ; they also remove the corpses of those who die in the streets, for which purpose they have a body of state slaves assigned to them.

51. Market Commissioners [*Agoranōmi*] are elected by lot, five for Piræus, five for the city. The duty assigned to them by law is to see that all articles offered for sale in the market are pure and unadulterated.

Commissioners of Weights and Measures [*Metronōmi*] are elected by lot, five for the city, and five for Piræus. They see that sellers use fair weights and measures.

Formerly there were five Corn Commissioners [*Sitophylāces*], elected by lot, for Piræus, and five for the city ; but now there are twenty for the city and fifteen for Piræus. Their duties are, first, to see that the unprepared corn in the market is offered for sale at reasonable prices, and secondly to see that the millers sell barley meal at a price proportionate to that of barley, and that the bakers sell their loaves at a price proportionate to that of wheat, and of such weight as the Commissioners may appoint ; for the law requires them to fix the standard weight.

There are ten Superintendents of the Mart, elected by lot, whose duty is to superintend the Mart, and to compel merchants to bring up into

<sup>1</sup> Or possibly "windows."

the city two-thirds of the corn which is brought by sea to the Corn Mart.<sup>1</sup>

52. The Eleven also are appointed by lot to take care of those who are in the state gaol. Thieves, kidnappers, and pickpockets are brought to them, and if they plead guilty they are executed, but if they deny their crime the Eleven bring the case before the law-courts ; if the prisoners are acquitted, they release them, but if not, they then execute them. They also bring up before the law-courts the list of farms and houses claimed as state-property ; and if it is decided that they are so, they deliver them to the Commissioners for Public Contracts. The Eleven also bring up informations laid against magistrates alleged to be disqualified ; this function comes within their province, but some such cases are brought up by the Thesmothetae.

There are also five Introducers of Cases [*Eisagōgeis*], one for each pair of tribes, who bring up the "monthly" cases<sup>2</sup> to the law-courts. "Monthly" cases are these : refusal to pay up a dowry where a party is bound to do so, refusal to pay interest on money borrowed at 12 per cent., or where a man desirous of setting up business in the

<sup>1</sup> This is the reading of the MS., but it is possible that we should substitute for it the word used by Harpocration, who quotes the sentence with the variation "Attic Mart" for "Corn Mart." The name "Attic Mart" is found in Demosthenes as an official designation of Piræus. Another authority which quotes the passage gives the name as the "City Mart."

<sup>2</sup> *i.e.*, cases which have to be decided within a month, as being considered to be of a pressing nature.

market has borrowed from another man capital to start with; also cases of slander, cases arising out of friendly loans or partnerships, and cases concerned with slaves, cattle, the office of trierarch, or with banks. These are brought up as "monthly" cases and are introduced by these officers; but the Receivers-General perform the same function in cases for or against the farmers of taxes. Those in which the sum concerned is not more than ten drachmas they can decide summarily, but all above that amount they bring into the law-courts as "monthly" cases.

53. Forty persons<sup>1</sup> are also elected by lot, four from each tribe, before whom suitors bring all other cases.<sup>2</sup> Formerly they were thirty in number, and they went on circuit through the demes to hear causes; but after the oligarchy of the Thirty they were increased to forty. They have full powers to deal with cases in which the amount at issue does not exceed ten drachmas, but anything beyond that value they hand over to the Arbitrators. The Arbitrators take up the case, and, if they cannot bring the parties to an agreement, they give a decision. If their decision satisfies both parties, and they abide by it, the case is at an end; but if either of

<sup>1</sup> These are the officials elsewhere described as the local justices, who were instituted by Pisistratus (ch. 16) and revived in 453 B.C. (ch. 26).

<sup>2</sup> That is (supposing the MS. to be correct here, which may be questioned), leave to bring a suit has in the first instance to be obtained from these magistrates. It does not mean that they actually tried the cases.

the parties appeals to the law-courts, the Arbitrators enclose the evidence, the pleadings, and the laws quoted in the case in two urns, those of the plaintiff in the one, and those of the defendant in the other. These they seal up and, having attached to them the decision of the arbitrator, written out on a tablet, hand them over to the four justices whose function it is to introduce cases on behalf of the tribe of the defendant. These officers take them and bring up the case before the law-court, to a jury of two hundred and one members in cases up to the value of a thousand drachmas, or to one of four hundred and one in cases above that value. No laws or pleadings or evidence may be used except those which were adduced before the Arbitrator, and which have been enclosed in the urns.

The Arbitrators are persons in the sixtieth year of their age, as is clear from the Archons and the Eponymi. There are two classes of Eponymi, the ten who give their names to the tribes, and the forty-two of the years of service.<sup>1</sup>

<sup>1</sup> The nature of these Eponymi is extremely doubtful, and they are unknown except from this passage and quotations from it in the grammarians. It would appear that, just as the Eponymi of the tribes were the ten heroes who gave their names to the ten tribes, so a cycle of forty-two years was arranged, to each of which the name of a hero was assigned as its Eponymus. Then, as every Athenian was liable to military service for forty-two years (from 18 to 59 inclusive), each man had to go through the complete cycle before he was free from liability to serve. During the last year of his cycle, however, he was required to serve not as a soldier but as an arbitrator; and accordingly each year the Forty took the list of those who were commencing their last year of military service, and assigned to them the duties which they were to undertake as arbitrators during the year.

The names of the youths, on being enrolled among the citizens, were formerly inscribed upon whitened tablets, and the names were appended of the Archon in whose year they were enrolled, and of the Eponymus who had been in course in the preceding year ; at the present day they are written on a bronze pillar, which stands in front of the Council-chamber, near the Eponymi of the tribes. Then the Forty take the last of the Eponymi of the years of service, and assign the arbitrations to the persons belonging to that year, casting lots to determine which arbitrations each shall undertake ; and everyone is compelled to carry through the arbitrations which the lot assigns to him. The law enacts that anyone who does not serve as Arbitrator when he has arrived at the necessary age shall lose his civil rights, unless he happens to be holding some other office during that year, or to be out of the country. These are the only persons who escape the duty. Anyone who suffers injustice at the hands of the Arbitrator may appeal to the whole board of Arbitrators, and if they find the magistrate guilty, the law enacts that he shall lose his civil rights. The persons thus condemned have, however, in their turn an appeal. The Eponymi are also used in reference to military expeditions ; when the men of military age are despatched on service, a notice is put up stating that the men from such-and-such an Archon and Eponymus to such-

and-such another Archon and Eponymus are to go on the expedition.

54. The following magistrates also are elected by lot : Ten Commissioners of Roads [*Hodopoei*], who, with an assigned body of public slaves, are required to keep the roads in order : and ten Auditors, with ten assistants, to whom all persons who have held any office must give in their accounts. These are the only officers who audit the accounts of those who are subject to examination,<sup>1</sup> and who bring them up for examination before the law-courts. If they detect any magistrate in embezzlement, the jury condemn him on that charge, and he is obliged to repay tenfold the sum he is declared to have misappropriated. If they charge a magistrate with accepting bribes and the jury convict him, they fine him for corruption, and this sum too is repaid tenfold. Or if they convict him of unfair dealing, he is fined on that charge, and the sum assessed is paid without increase, if payment is made before the ninth prytany, but otherwise it is doubled. A ten-fold fine is not doubled, however.

The Clerk of the Prytany, as he is called, is also elected by lot. He has the charge of all public documents, and keeps the resolutions which are passed by the Assembly, and checks all

<sup>1</sup> Every person who had held any public office had to submit himself and his accounts to examination before a jury at the end of his term of office ; on which occasion any citizen might impeach his conduct during his office.



other official papers and attends at the sessions of the Council. Formerly he was elected by open vote, and the most distinguished and trustworthy persons were elected to the post, as is known from the fact that the name of this officer is appended on the pillars recording treaties of alliance and grants of consulship<sup>1</sup> and citizenship. Now, however, he is elected by lot. There is, in addition, a Clerk of the Laws, elected by lot, who attends at the sessions of the Council; and he too checks the transcript of all the laws. The Assembly also elects by open vote a clerk to read documents to it and to the Council; but he has no other duty except that of reading aloud.

The Assembly also elects by lot ten Commissioners of Public Worship [*Hieropoei*], known as the Commissioners for Sacrifices, who offer the sacrifices appointed by oracle, and, in conjunction with the seers, take the auspices whenever there is occasion. It also elects by lot ten others, known as Annual Commissioners, who offer certain sacrifices and administer all the quadriennial festivals except the Panathenaea. There are the following quadriennial festivals: first that of Delos (where there is also a sexennial festival), secondly the Brauronia, thirdly the Heracleia, fourthly the Eleusinia, and fifthly the Panathenaea; and no two of these are celebrated in the same place.<sup>2</sup> To these the

<sup>1</sup> *i.e.*, of representation of a foreign state.

<sup>2</sup> The reading is rather doubtful, and the meaning might be

Hephaestia has now been added, in the archonship of Cephisophon.<sup>1</sup>

An Archon is also elected by lot for Salamis, and a Demarch for Piraeus. These officers celebrate the Dionysia in these two places, and appoint Chorēgi. In Salamis, moreover, the name of the Archon is publicly recorded.

55. All the foregoing magistrates are elected by lot, and their duties are those which have been stated. To pass on to the nine Archons, as they are called, the manner of their appointment from the earliest times has been described already. At the present day six Thesmothetae are elected by lot, together with their clerk, and in addition to these an Archon, a King, and a Polemarch. One is elected from each tribe. They are examined first of all by the Council of Five Hundred, with the exception of the clerk. The latter is examined only in the law-court, like other magistrates (for all magistrates, whether elected by lot or by open vote, are ex-

"no two of them take place in the same year"; but with five festivals in four years, two of them must have fallen in the same year.

<sup>1</sup> Reading, after Blass, [γυν] δὲ πρόκειται [καὶ Ἡ]φαίσ[τι]α ἐπὶ Κ. This date (329 B.C.) gives us a limit of time after which this work must have been written, or (since the words have the air of a parenthetical or later addition) at least revised. See note 3 p. 85, on ch. 46. Recently it has been proposed to read [Ἡ]φαίσ[τι]α for [Ἡ]ράκλει]α and [Ἀμ]φιάρ[αι]α for [Ἡ]φαίσ[τια], with some internal probability, since an inscription has been found relating to a reorganisation of the Amphiaraea in 329 B.C., but contrary to the MS.

amined before entering on their offices); but the nine Archons are examined both in the Council and again in the law-court. Formerly no one could hold the office if the Council rejected him, but now there is an appeal to the law-court, which is the final authority in the matter of the examination. When they are examined, they are asked, first, "Who is your father, and of what deme? who is your father's father? who is your mother? who is your mother's father, and of what deme?" Then the candidate is asked whether he possesses an ancestral Apollo and a household Zeus, and where their sanctuaries are; next if he possesses a family tomb, and where; then if he treats his parents well, and pays his taxes, and has served on the required military expeditions. When the examiner has put these questions, he proceeds, "Call the witnesses to these facts"; and when the candidate has produced his witnesses, he next asks, "Does anyone wish to make any accusation against this man?" If an accuser appears, he gives the parties an opportunity of making their accusation and defence, and then puts it to the Council to pass the candidate or not, and to the law-court to give the final vote. If no one wishes to make an accusation, he proceeds at once to the vote. Formerly a single individual gave the vote, but now all the members are obliged to vote on the candidates, so that if any unprincipled candidate has managed to get rid of

his accusers,<sup>1</sup> it may still be possible for him to be disqualified before the law-court. When the examination has been thus completed, they proceed to the stone on which are the pieces of the victims, and on which the Arbitrators take oath before declaring their decisions, and witnesses swear to their testimony. On this stone the Archons stand, and swear to execute their office uprightly and according to the laws, and not to receive presents in respect of the performance of their duties, or, if they do, to dedicate a golden statue. When they have taken this oath they proceed to the Acropolis, and there they repeat it; after this they enter upon their office.

56. The Archon, the King, and the Polemarch have each two assessors, nominated by themselves. These officers are examined in the law-court before they begin to act, and give in accounts on each occasion of their acting.

As soon as the Archon enters office, he begins by issuing a proclamation that whatever anyone possessed before he entered into office, that he shall possess and hold until the end of his term. Next he assigns Chorēgi to the tragic poets,

<sup>1</sup> *i.e.*, by inducing them not to press their charges. It appears that originally, if no accusation was brought before the Council, the examination by the law-court was a mere formality, a single member voting for the whole jury. But it was found that candidates sometimes escaped an accusation before the Council by "squaring" their accusers; and to meet this the law-court was made to examine and vote independently.

choosing three <sup>1</sup> of the richest persons out of the whole body of Athenians. Formerly he used also to assign five Choregi to the comic poets, but now the tribes provide the Choregi for this purpose. Then he receives the Choregi who have been appointed by the tribes for the men's and boys' choruses <sup>2</sup> and the comic poets at the Dionysia, and for the men's and boys' choruses at the Thargelia (at the Dionysia there is a chorus for each tribe, but at the Thargelia one between two tribes, each tribe bearing its share in providing it); he transacts the exchanges of properties, <sup>3</sup> and reports any excuses that are tendered, if anyone <sup>4</sup> says that he has already borne this burden, or that he is exempt because he has borne a similar burden and the

<sup>1</sup> Only three tragic poets might contend at the festivals, and it was the duty of the Archon to decide what poets should be admitted to the honour. In Comedy, as stated below, five competitors were allowed, but this number applies only to the fourth century, before which time the number was limited to three. The duty of the Choregus was to defray the expense of training, maintaining, and equipping the chorus required for a play or a dithyrambic contest.

<sup>2</sup> These are dithyrambic choruses, which were quite unconnected with the dramatic representations, and in which the several tribes competed against one another.

<sup>3</sup> If any person considered that he had been unduly saddled with one of the burdens which rich men were called upon to bear for the state (such as the equipment of a chorus or a trireme), he might require anyone on whom he thought the burden should rather have been laid either to undertake it, or else to submit to an exchange of properties.

<sup>4</sup> The following passage is mutilated in the MS., but the restoration here given is believed to be in accordance with the remains in the MS.

period of his exemption has not yet expired, or that he is not of the required age; since the Choregus of a boys' chorus must be over forty years of age. He also appoints Choregi for the festival at Delos, and chiefs of the mission<sup>1</sup> for the thirty-oar boat which conveys the youths thither. He also superintends sacred processions, both that in honour of Asclepius, when the initiated keep house, and that of the great Dionysia,—the latter in conjunction with the Superintendents of that festival. These officers, ten in number, were formerly elected by open vote in the Assembly, and used to provide for the expenses of the procession out of their private means; but now one is elected by lot from each tribe, and the state contributes a hundred minas for the expenses. The Archon also superintends the procession at the Thargelia, and that in honour of Zeus the Saviour. He also manages the contests at the Dionysia and the Thargelia.

These, then, are the festivals which he superintends. The suits and indictments which come before him, and which he, after a preliminary inquiry, brings up before the law-courts, are as follows. Injury to parents (for bringing these actions the prosecutor cannot suffer any penalty)<sup>2</sup>; injury to orphans (these actions lie against their

<sup>1</sup> *i.e.*, chiefs of the sacred deputation sent from Athens to the Delian festival. It is uncertain whether there was more than one such chief, and some editors read ἀρχιθέω[ρον].

<sup>2</sup> In most cases the prosecutor was subject to penalties if he failed to receive a fifth part of the votes of the jury.



guardians); injury to a ward of state (these lie against their guardians or their husbands);<sup>1</sup> injury to an orphan's estate (these too lie against the guardians); mental derangement, where a party charges another with destroying his own property through unsoundness of mind; for appointment of liquidators, where a party refuses to divide property in which others have a share; for constituting a wardship; for determining between rival claims to a wardship; for granting inspection of property to which another party lays claim;<sup>2</sup> and for determining disputes as to inheritances and wards of state. The Archon also has the care of orphans and wards of state, and of women who, on the death of their husbands, declare themselves to be with child; and he has power to inflict a fine on those who offend against the persons under his charge, or to bring the case before the law-courts. He also leases out the houses of orphans and wards of state until they reach the age of fourteen,<sup>3</sup> and takes mortgages on them; and if the guardians fail to provide the necessary food for the children under their charge, he exacts it from them. Such are the duties of the Archon.

57. The King in the first place superintends the mysteries, in conjunction with the Superin-

<sup>1</sup> The state still continued its protection of heiresses even after they were married. Its care only ceased when they had children capable of inheriting the property.

<sup>2</sup> If this supplement of the lacuna is right, the words which follow, ἐπίτροπον αὐτὸν ἐγγράψαι, are corrupt.

<sup>3</sup> Reading ἕως ἂν τις τετταρακαιδέκῃς γένηται, after Blass.

tendents of Mysteries. The latter are elected in the Assembly by open vote, two from the general body of Athenians, one from the Eumolpidae, and one from the Ceryces. Next, he superintends the Lenaeon Dionysia,<sup>1</sup> which consists of a procession and a contest. The procession is ordered by the King and the Superintendents in conjunction ; but the contest is managed by the King alone. He also manages all the contests of the torch-race ; and to speak broadly, he administers all the ancestral sacrifices. Indictments for impiety come before him, or any disputes between parties concerning priestly rites ; and he also determines all controversies concerning the privileges of the ancient families<sup>2</sup> and the priests. All actions for homicide come before him, and it is he that makes the proclamation requiring polluted persons to keep away from sacred ceremonies. Actions for homicide and wounding are heard, if the homicide or wounding<sup>3</sup> be wilful, in the Areopagus ; so also in cases of killing by poison, and of arson. These are the only cases heard by that Council. Cases of unintentional homicide, or of intent to kill, or of killing a slave or a resident alien or a foreigner, are

<sup>1</sup> The lesser of the two chief festivals of Dionysus, held in January. Many of the plays which have come down to us were first performed at this festival, but it was not such a magnificent occasion as the great Dionysia, at which strangers from the rest of Greece were usually present in great numbers.

<sup>2</sup> See note 1, p. 80.

<sup>3</sup> Reading ἡ τελευτή, after Kaibel and Wilamowitz.

heard by the court of Palladium. When the homicide is acknowledged, but legal justification is pleaded, as when a man takes an adulterer in the act, or kills another by mistake in battle, or in an athletic contest, the prisoner is tried in the court of Delphinium. If a man who is in banishment for a homicide which admits of reconciliation<sup>1</sup> incurs a further charge of killing or wounding, he is tried in Phreatto, and he makes his defence from a boat moored near the shore. All these cases, except those which are heard in the Areopagus, are tried by the Ephetae on whom the lot falls.<sup>2</sup> The King introduces them, and the hearing is held . . . .<sup>3</sup> and in the open air. Whenever the King hears a case, he takes off his crown. The person who is subject to a charge of homicide is at all other times excluded from the temples, nor is he even allowed to enter the market-place; but on the occasion of his trial he enters the temple and

<sup>1</sup> A person who committed an involuntary homicide had to give pecuniary satisfaction to the relatives of the deceased, and he was compelled to go into exile for a year unless they gave him leave to return earlier.

<sup>2</sup> The Ephetae were a very ancient board of magistrates who used to hear these kinds of cases, but whether they are spoken of here is doubtful, as the word in the MS. is lost in a lacuna. It is, however, supplied from a quotation by Harpocration.

<sup>3</sup> No satisfactory supplement has been proposed for this lacuna. Dr. Sandys' *σκηταῖσι* was attractive, but the MS. will not admit of it. Lucian speaks of the Areopagus as sitting at night, but no other mention of the practice is known, and it is not the Areopagus that is here being spoken of, but the other courts.

makes his defence. If the actual offender is unknown, the writ runs against "the doer of the deed." The King and the tribe-kings also hear the cases in which the guilt rests on inanimate objects and the lower animals.<sup>1</sup>

58. The Polemarch performs the sacrifices to Artemis the huntress and to Enyalios,<sup>2</sup> and arranges the contest at the funeral of those who have fallen in war, and makes offerings to the memory of Harmodius and Aristogeiton. Of private actions, those come before him in which resident aliens, both ordinary and privileged, and agents of foreign states are concerned. It is his duty to receive these cases and divide them into ten parts, and assign to each tribe the part which comes to it by lot; after which the magistrates who introduce cases for the tribe hand them over to the Arbitrators. The Polemarch, however, brings up in person cases in which an alien is charged with deserting his patron or neglecting to provide himself with one,<sup>3</sup> and also of inheritances and wards of state where aliens are concerned; and in fact, generally, whatever the Archon does for citizens, the Polemarch does for aliens.

59. The Thesmothetae in the first place have

<sup>1</sup> This is a relic of a very primitive custom, by which any object that had caused a man's death was put upon its trial. In later times it may have served the purpose of a coroner's inquest.

<sup>2</sup> The god of war: the name is sometimes used as an epithet of Ares, sometimes as a name by itself.

<sup>3</sup> Every alien resident in Athens was required to provide himself with a patron from among the citizens.

the power of prescribing on what days the law-courts are to sit, and next of assigning them to the several magistrates; for the latter must follow the arrangement which the Thesmothetae assign. Moreover they introduce impeachments before the Assembly, and bring up all votes for removal from office, challenges of a magistrate's conduct before the Assembly, indictments for illegal proposals, or for proposing a law which is contrary to the interests of the state, complaints against Proedri or their president for their conduct in office, and the accounts presented by the generals. All indictments also come before them in which a deposit has to be made by the prosecutor, namely, indictments for concealment of foreign origin, for corrupt evasion of foreign origin (when a man escapes the disqualification by bribery), for blackmailing accusations, bribery, false entry of another as a state debtor, false testimony to the service of a summons, conspiracy to enter as a state debtor, corrupt removal from the list of debtors, and adultery. They also bring up the examinations of all magistrates,<sup>1</sup> and the rejections by the demes and the condemnations by the Council. Moreover they bring up certain private suits in cases of merchandise and mines, or where a slave has slandered a free man. It is they also who cast lots to assign the courts to the various magistrates, whether for

<sup>1</sup> *i.e.*, the examination to which all magistrates were subjected before entering office. See ch. 55.

private or public cases. They ratify agreements with foreign states to regulate the decision of commercial disputes, and bring up the cases which arise out of such agreements; and they also bring up cases of perjury from the Areopagus. The casting of lots for the jurors is conducted by all the nine archons, with the clerk to the Thesmothetae as the tenth, each performing the duty for his own tribe. Such are the duties of the nine Archons.

60. There are also ten Commissioners of Games [Athlothētae], elected by lot, one from each tribe. These officers, after passing an examination, serve for four years; and they manage the Panathenaic procession, the contest in music and that in gymnastic, and the horse-race; they also, in conjunction with the Council, see to the making of the robe of Athena<sup>1</sup> and the vases,<sup>2</sup> and they present the oil to the athletes. This oil is collected from the sacred olives. The archon requisitions it from the owners of the farms on which the sacred olives grow, to the amount of three-quarters of a pint from each plant. Formerly the state used to sell the fruit itself, and if anyone dug up or broke down one of the sacred olives, he was tried by the Council of Areopagus, and if he was condemned, the penalty was death. Since, however, the oil

<sup>1</sup> See note 2, p. 91, on ch. 49.

<sup>2</sup> The vases given as prizes at the Panathenaea, of which a considerable number still exist, as may be seen in the British Museum.



has been paid by the owner of the farm, the procedure has lapsed, though the law remains ; and the oil is a state charge upon the property instead of being taken from the individual plants.<sup>1</sup> When, then, the Archon has collected the oil for his year of office, he hands it over to the Treasurers to preserve in the Acropolis, and he may not take his seat in the Areopagus until he has paid over to the Treasurers the full amount. The Treasurers keep it in the Acropolis until the Panathenaea, when they measure it out to the Commissioners of Games, and they again to the victorious competitors. The prizes for the victors in the musical contest consist of silver and gold, for the victors in manly vigour, of shields, and for the victors in the gymnastic contest and the horse-race, of oil.

61. All officers connected with military service are elected by open vote. In the first place, ten Generals [Stratēgi], who were formerly elected one from each tribe, but now are chosen from the whole mass of citizens. Their duties are assigned to them by open vote ; one is appointed to command the heavy infantry, and leads them if they go out to war ; one to the defence of the country, who remains on the defensive, and fights if there is war within the borders of the country ; two to Piræus, one of whom is assigned to Munychia,

<sup>1</sup> Reading *κτῆματος*. The meaning is that the oil is now a fixed charge on the estate, so that the owner would be liable for the amount, whatever happened to the plants.

and one to the south shore, and these have charge of the defence<sup>1</sup> and of everything in Piraeus; and one to superintend the symmories,<sup>2</sup> who nominates the trierarchs<sup>3</sup> and arranges exchanges of properties<sup>4</sup> for them, and brings up actions to decide on rival claims in connection with them. The rest are despatched to whatever business may be on hand at the moment. The appointment of these officers is submitted for confirmation in each prytany, when the question is put whether they are considered to be doing their duty. If any officer is rejected on this vote, he is tried in the law-court, and if he is found guilty the people decide what punishment or fine shall be inflicted on him; but if he is acquitted he holds office for the rest of his term. The Generals have full power, when on active service, to arrest anyone for insubordination, or to expel him publicly, or to inflict a fine; the latter is, however, unusual.

There are also ten Taxiarchs, one from each tribe, elected by open vote; and each commands

<sup>1</sup> Reading φυλακῆς, as originally suggested, for the MS. φυλῆς. Torr's proposal, χηλῆς, is attractive, but has not found favour with other editors, and is certainly further from the MS.

<sup>2</sup> The companies into which the richer members of the community were formed (first in 377 B.C.) for the payment of the extraordinary charges in war-time.

<sup>3</sup> The trierarchs were the persons (chosen from the richest men in the community) who were required to undertake the equipment of a trireme at their own expense. Like the office of Choregus (ch. 56) it was a public duty performed by private individuals.

<sup>4</sup> See note 3, p. 103, on ch. 56.

his own tribesmen and appoints captains of companies [Lochāgi]. There are also two Hipparchs, elected by open vote from the whole mass of the citizens, who command the cavalry, each taking five tribes. They have the same powers as the Generals have in respect of the infantry, and their appointments are also subject to confirmation. There are also Phylarchs, elected by open vote, one from each tribe, to command the cavalry, as the Taxiarchs do the infantry. There is also a Hipparch for Lemnos, elected by open vote, who has charge of the cavalry in Lemnos. There is also a treasurer of the Paralus, and another of the Ammonias, similarly elected.<sup>1</sup>

62. Of the magistrates elected by lot, in former times some, including the nine Archons, were elected out of the tribe as a whole, while others, namely those who are now elected in the Thesēum, were apportioned among the demes; but since the demes used to sell the elections, these magistrates too are now elected from the whole tribe, except the members of the Council and the guards of the dockyards, who are still left to the demes.

Pay is received for the following services. First

<sup>1</sup> These are the two triremes, usually known as "sacred," which were used for special state services. According to the grammarians the two originally so employed were the Paralus and Salaminia; *e.g.*, it was the latter that was sent to fetch Alcibiades back from Sicily to stand his trial. The Ammonias appears to have taken the place of the Salaminia in the time of Alexander, when the Athenians sent sacrifices to the god Ammon in it.

the members of the Assembly receive a drachma for the ordinary meetings, and nine obols for the "sovereign" meeting. Then the jurors at the law-courts receive three obols; and the members of the Council five obols. The Prytanes receive an allowance of an obol for their maintenance. The nine Archons<sup>1</sup> receive four obols apiece for maintenance, and also keep a herald and a flute-player; and the Archon for Salamis receives a drachma a day. The Commissioners for Games dine in the Prytanēum during the month of Hecatombaeon in which the Panathenaic festival takes place, from the fourteenth day onwards. The Amphictyonic deputies to Delos receive a drachma a day from the exchequer of Delos. Also all magistrates sent to Samos, Scyros, Lemnos or Imbros receive an allowance for their maintenance. The military offices may be held any number of times, but none of the others more than once, except the membership of the Council, which may be held twice.

63. The juries for the law-courts are chosen by lot by the nine Archons, each for their own tribe, and by the clerk to the Thesmothetae for the tenth. There are ten entrances into the courts, one for each tribe; twenty rooms in which the lots are drawn, two for each tribe; a hundred chests, ten for each tribe; ten other

<sup>1</sup> It is quite a new discovery that the archons received pay, as it has generally been believed that the magistrates at Athens served without remuneration. In the light, however, of this chapter and ch. 24 this belief requires reconsideration.

chests, in which are placed the tickets of the jurors on whom the lot falls ; and two vases.<sup>1</sup> Further, staves, equal in number to the jurors required, are placed by the side of each entrance ; and counters are put into one vase, equal in number to the staves. These are inscribed with letters of the alphabet beginning with the eleventh (*lambda*), equal in number to the courts which require to be filled. All persons above thirty years of age are qualified to serve as jurors, provided they are not debtors to the state and have not lost their civil rights. If any unqualified person serves as juror, an information is laid against him, and he is brought before the court ; and, if he is convicted, the jurors assess the punishment or fine which they consider him to deserve. If he is condemned to a money fine, he must be imprisoned until he has paid up both the original debt, on account of which the information was laid against him, and also the fine which the court has imposed upon him. Each juror has a ticket of box-wood, on which is inscribed his name, with the name of his father and his deme, and one of the letters of the alphabet up to *kappa* ;<sup>2</sup> for the jurors in their several tribes

<sup>1</sup> The use of all these appliances is explained in the concluding chapters of the work, now unfortunately mutilated.

<sup>2</sup> The tenth letter of the alphabet. Thus the whole body of jurors was divided into ten sections, indicated by the letters from *alpha* to *kappa* ; and the courts for which jurors were required were indicated by the requisite number of letters from *lambda* onwards. Then a simple process of drawing lots decided which section should sit in which court.

are divided into ten sections, with approximately an equal number in each letter. When the Thesmothetes has decided by lot which letters are required to attend at the courts, the servant puts up above each court the letter which has been assigned to it by the lot.<sup>1</sup> . . . .

<sup>1</sup> The remainder of the treatise, which was written on a separate piece of papyrus, exists only in a mutilated and disfigured condition, which makes continuous decipherment hopeless, though much has been done, especially by Blass, to restore it and indicate its general tenor. It is entirely occupied with the description of the procedure in the law-courts, and ends somewhat abruptly (the concluding lines are quite legible) with the statement that when the business of the day is finished the jurors receive the pay which is due to them for their services.







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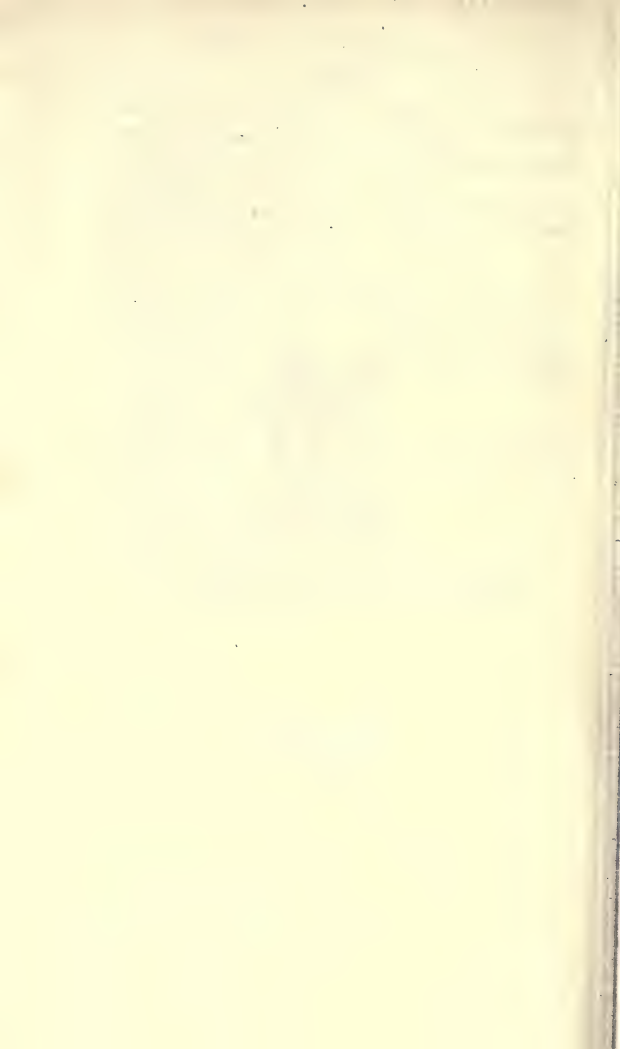
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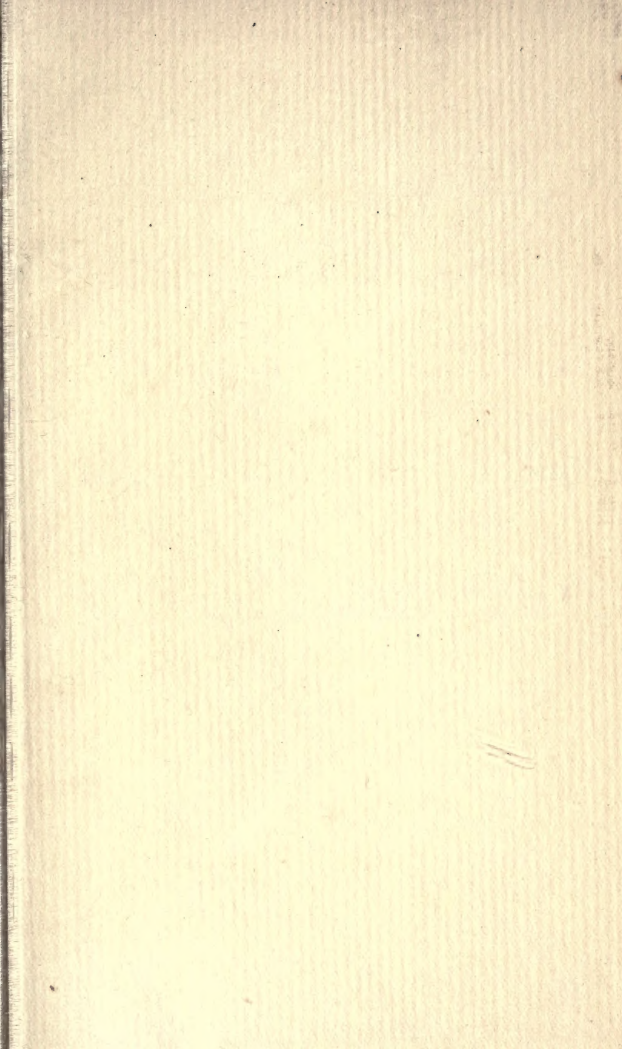




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